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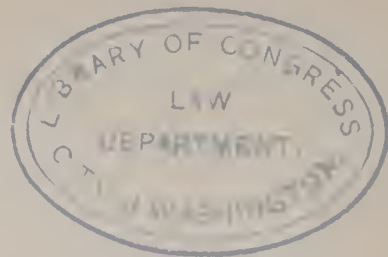
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UNITED STATES OF AMERICA.



A COMPILATION
OF THE
LAWS RELATING TO ELECTIONS
CITIZENSHIP AND NATURALIZATION,

NOW IN FORCE IN THE

STATE OF CALIFORNIA,

INCLUDING THE CONSTITUTIONAL AND STATUTORY
PROVISIONS RELATING THERETO; ALSO, THE
POLITICAL DIVISIONS OF THE CITY AND
COUNTY OF SAN FRANCISCO.

By ALFRED CLARKE,
ATTORNEY AND COUNSELLOR AT LAW.



Published by the Board of Supervisors of the City
and County of San Francisco.

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THIS COMPILATION

PRESENTS IN COMPACT FORM

THE LAWS RELATING TO ELECTIONS,

CITIZENSHIP AND NATURALIZATION,

AS FOUND IN

THE CONSTITUTION OF THE UNITED STATES,

THE TREATY WITH MEXICO,

THE REVISED STATUTES OF THE UNITED STATES,

THE CONSTITUTION OF THE STATE OF CALIFORNIA

THE LAWS OF THE STATE OF CALIFORNIA,

THE ORDERS OF THE BOARD OF SUPERVISORS

OF THE CITY AND COUNTY OF SAN FRANCISCO.

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 Crimes against the Elective Franchise.

Preliminary Provisions.

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INDEX.

EPITOME.

The Electors of the City and County of San Francisco are entitled to vote for certain officers of the United States, certain officers of the State of California, and certain officers of the City and County of San Francisco.

THE UNITED STATES

Have a republican form of government, organized under the provisions of the national constitution. The powers of the government are divided into three branches, namely :

THE LEGISLATIVE POWER,
THE EXECUTIVE POWER,
THE JUDICIAL POWER.

THE LEGISLATIVE POWER of the United States is vested in the Senate and House of Representatives. The Senators of the United States are chosen (except in certain cases) by the legislatures of the States from which they are accredited. The Representatives in Congress are chosen by the vote of the Electors of the several States.

THE EXECUTIVE POWER of the United States is vested in the President of the United States. The President (except in certain cases) is chosen by certain Presidential Electors, appointed in such manner as each State (for itself) may direct.

THE JUDICIAL POWER of the United States is vested in one Supreme and other inferior courts, the Judges of which are nominated by the President and confirmed by the Senate.

THE STATE OF CALIFORNIA

Has a republican form of government, organized under the provisions of her State Constitution. And as a member of our national confederation she contributes to its strength and enjoys its protection.

The powers of the government are divided into the following departments :

LEGISLATIVE,
EXECUTIVE,
JUDICIAL,

The principal officers of each of which are chosen by vote of the Electors of the State.

THE STATE OF CALIFORNIA is entitled to six electoral votes for President of the United States. Her Presidential Electors are chosen by vote of the Electors of the State.

THE CITY AND COUNTY OF SAN FRANCISCO

Is a municipal corporation, organized under the provisions of an act of the Legislature of the State. The principal officers of the corporation are chosen by vote of the Electors of said City and County.

The offices to be filled by choice of the vote of the Electors; the qualifications required in the Electors, and the elected; the times for holding, and the manner of conducting elections, will appear on examination of the following pages.

The naturalization laws being pertinent to our subject, are here inserted.

The provisions relating to primary elections are printed with a marginal line opposite thereto.

TABLE

Showing the Senatorial and Judicial Districts in which the following Wards and Precincts are included.

PRECINCTS.	WARDS.	JUDICIAL DISTRICT.	SENATORIAL DISTRICT.
1, 2, 3.....	1.....	15.....	9.....
1, 2, 3.....	2.....	4.....	9.....
.....	3*.....	15.....	10.....
1, 2, 3.....	4.....	4.....	9.....
.....	5.....	3.....	10.....
1, 2.....	6.....	19.....	10.....
1, 2, 3, 4.....	7.....	12.....	11.....
1, 2, 4.....	8.....	19.....	10.....
3, 5, 6.....	8.....	19.....	12.....
1, 2, 3.....	9.....	12.....	11.....
4, 5.....	9.....	12.....	12.....
1, 2, 3, 4.....	10.....	12.....	11.....
5, 6, 7, 8, 9, 10.....	10.....	12.....	12.....
1, 2.....	11.....	12.....	12.....
3, 4, 5, 6, 7, 8, 9, 10, 11.....	11.....	12.....	13.....
1.....	12.....	4.....	9.....
2, 5.....	12.....	4.....	10.....
3, 4, 6.....	12.....	4.....	13.....

*Portions of City Hall excepted from 15th Judicial District.

TABLE

Showing the Wards included in each Judicial District.

The 3d Judicial District includes the 5th Ward.

The 4th Judicial District includes the 2d, 4th, 12th Wards, and a portion of the old City Hall.

The 12th Judicial District includes the 7th, 9th, 10th, 11th Wards, and a portion of the City Hall.

The 15th Judicial District includes the 1st and 3d Wards, excepting a portion of the City Hall.

The 19th Judicial District includes the 6th and 8th Wards.

TABLE

Showing the Wards and Precincts included in each Senatorial District.

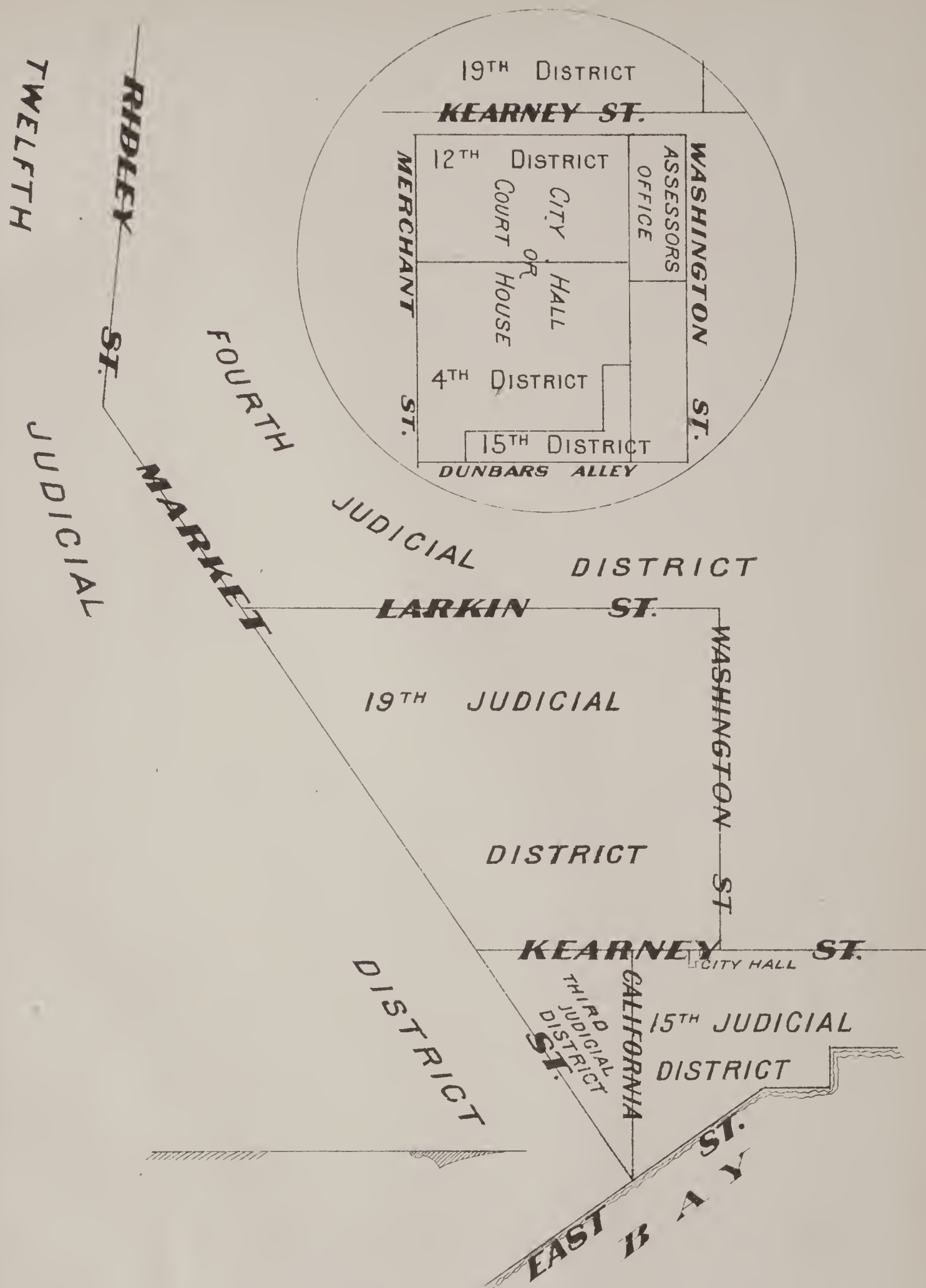
The 9th Senatorial District includes the 1st, 2d and 4th Wards; and 1st Precinct of the 12th Ward.

The 10th Senatorial District includes the 3d, 5th and 6th Wards: 1st, 2d and 4th Precincts of the 8th Ward, and 2d and 5th Precincts of the 12th Ward.

The 11th Senatorial District includes the 7th Ward; 1st, 2d and 3d Precincts of the 9th Ward, and 1st 2d, 3d and 4th Precincts of the 10th Ward.

The 12th Senatorial District includes the 3d, 5th and 6th Precincts of the 8th Ward; 4th and 5th Precincts of the 9th Ward; 5th, 6th, 7th, 8th 9th and 10th Precincts of the 10th Ward; and 1st and 2d Precincts of the 11th Ward.

The 13th Senatorial District includes the 3d, 4th, 5th, 6th, 7th, 8th, 9th 10th and 11th Precincts of the 11th Ward, and 3d, 4th and 6th Precincts of the 12th Ward.



Map showing the Judicial Districts within the City and County of San Francisco, as defined by an "Act creating the 19th and 20th Judicial Districts, and defining the 3d, 4th, 12th and 15th Judicial Districts," approved March 8th, 1872.

DIAGRAM OF WARDS AND ELECTION PRECINCTS

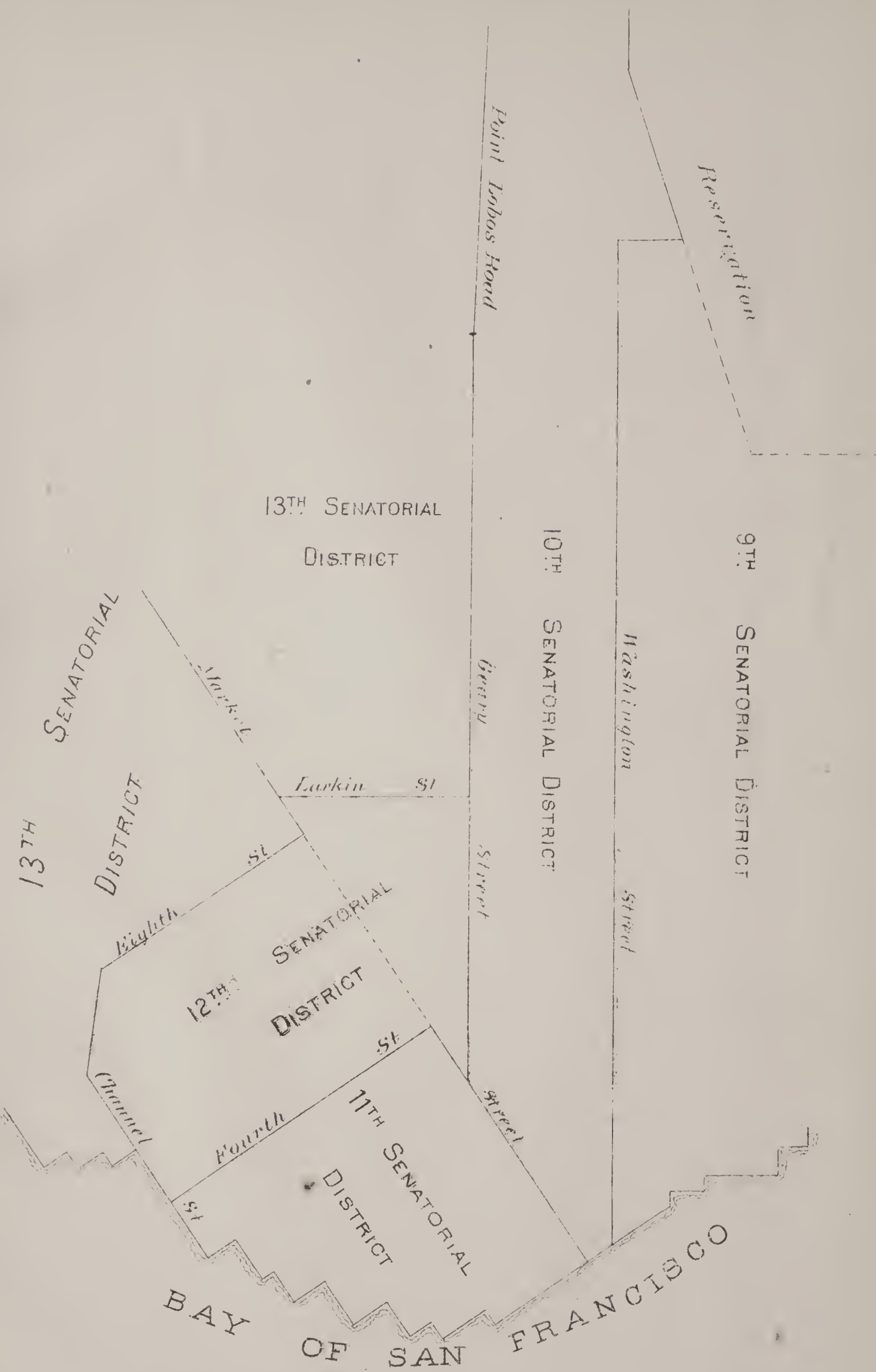


As defined by Order No. 1369 of the Board of Supervisors of the City and County of San Francisco, approved July 6th, 1877.

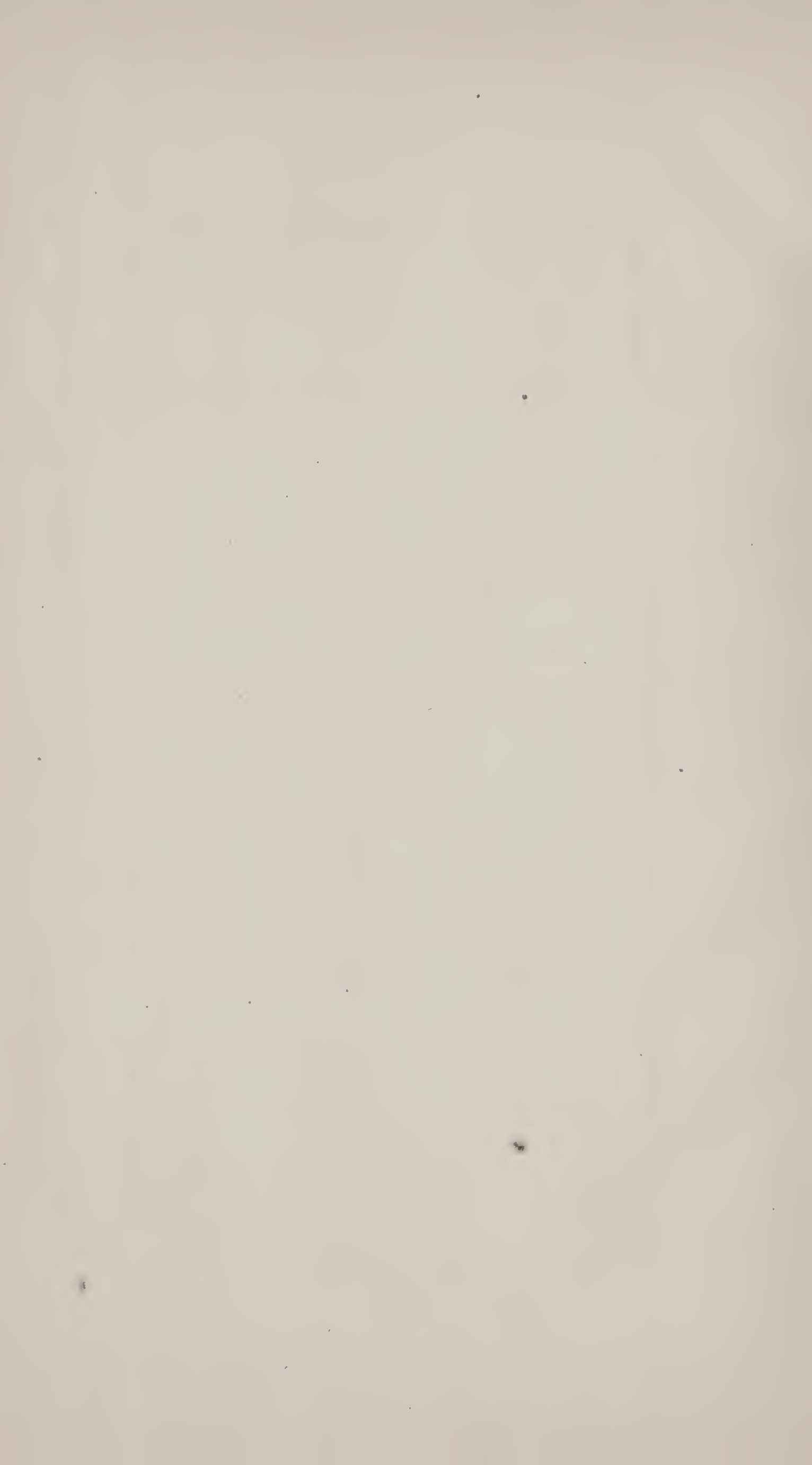
For Senatorial Districts, see next page.

For Judicial Districts, see previous page.





Map showing the Senatorial Districts within the City and County of San Francisco, as defined by an "Act to define the Senatorial and Assembly Districts of this State, and to apportion the Representatives thereof," approved March 16, 1874. P. 366.



THE ELECTION LAWS.

EXTRACT FROM THE DECLARATION OF INDEPENDENCE.

SOURCE OF POWER.

Governments* derive* their just powers from the consent of the governed.

EXTRACTS FROM THE CONSTITUTION OF UNITED STATES.

PREAMBLE,
LEGISLATIVE POWER,
EXECUTIVE POWER,
JUDICIAL POWER,
MISCELLANEOUS.

PREAMBLE.

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.

LEGISLATIVE POWER.

Congress.

House of Representatives.

Qualifications of Representatives.

Vacancies.

The Senate of the United States—How Composed, etc.

Terms, Allotments, Vacancies.

Qualifications of Senators.

Times, Places, and Manner of Choosing, Senators and Representatives.

Returns, qualifications, etc.

Congress.

SEC. 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Qualifications of Representatives.

SEC. 2 *continued.* No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

* * * * *

Vacancies.

SEC. 2 *continued.* When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The Senate.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years; and each Senator shall have one vote.

Allotment, Vacancies.

SEC. 3 *continued*. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies. * * *

Qualifications of Senators.

SEC. 3 *continued*. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of the State for which he shall be chosen. * * *

Election for Senators and Representatives.

SEC. 4. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Returns, Qualifications, etc.

SEC. 5. Each House shall be the judge of the elections, returns, and qualifications of its own members. * *

ARTICLE II.

EXECUTIVE POWER.

President and Vice-President.

Appointment of Presidential Electors.

Election of President and Vice-President.

Congress may determine time of choosing Electors, etc.

Qualifications of President, etc.

President and Vice-President.

SEC. 1. The executive power shall be vested in a President of the United States of America; he shall hold his office

during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Appointment of Presidential Electors.

SEC. 1 *continued.* Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress, but no Senator or Representative or person holding an office of trust or profit under the United States, shall be appointed an elector.

* * * * * *

Election of President and Vice-President.

ARTICLE 12, *ratified A. D.* 1804. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President.

But in choosing the President, the votes shall be taken by States, the Representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice; and if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President, the person having the greatest number of votes as Vice-President shall be the Vice-Presi-

dent, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Congress may Determine Time of Choosing Electors.

SEC. 1, ARTICLE 2 *continued*. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Qualifications of President.

SEC. 1 *continued*. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States. * *

ARTICLE III.

JUDICIAL POWER.

Supreme Court—Inferior Courts.

Appointment of Judges of Supreme Court.

Supreme Court—Inferior Court.

SEC. 1. The judicial power of the United States shall be vested in one Supreme Court and in such Inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and Inferior Courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

Appointment of Judges of Supreme Court.

EXTRACT FROM ARTICLE II, SEC. 2. The President * * shall nominate and by and with the advice and consent of the Senate shall appoint * * * Judges of the Supreme Court. * * *

MISCELLANEOUS.

Privileges and immunities of citizens.

National Constitution, laws and treaties are supreme laws.

Oath to support Constitution required—Religious test prohibited.

Citizenship defined—Privileges of citizens shall not be abridged, etc.

Apportionment of representation.

Disqualification of certain persons.

Right of citizen to vote.

Privileges and Immunities of Citizens.

SEC. 2, ARTICLE 4. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States. * * *

Supreme Law.

ARTICLE 6 * *. This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Oath Required—Religious Test Prohibited.

ARTICLE 6 *continued.* The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Citizenship Defined—Privileges of Citizens shall not be Abridged—Protection not to be Denied.

SEC. 1, ARTICLE 14. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Apportionment of Representatives.

SEC. 2, ARTICLE 14. Representatives shall be apportioned among the several States according to their respective

numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of the representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Disqualification of Certain Persons.

SEC. 3, ARTICLE 14. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Rights of Citizens shall not be Abridged, etc.

SEC. 1, ARTICLE 15. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of race, color, or previous condition of servitude.

SEC. 2, ARTICLE 15. The Congress shall have power to enforce this article by appropriate legislation.

EXTRACT FROM
TREATY WITH MEXICO.

[*Proclaimed July 4, 1848.*]

Privileges of Mexicans.

Citizenship of Mexicans.

Admission of Mexicans to Citizenship.

Privileges of Mexicans.

ARTICLE 8. Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax or charge whatever.

Citizenship of Mexicans.

ARTICLE 8 *continued.* Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States. * * * * *

Admission of Mexicans to Citizenship.

ARTICLE 9. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformedly with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to

be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution ; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ACT OF ADMISSION.

AN ACT for the Admission of the State of California into the Union. Approved September 9, 1850.

Preamble—Enacting Clause.

The State of California shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

EXTRACTS FROM THE
REVISED STATUTES OF UNITED STATES.

[*Approved June 22, 1874.*]

APPOINTMENT AND ELECTION OF REPRESENTATIVES.

CONTESTED ELECTIONS.

PRESIDENTIAL ELECTIONS.

CIVIL RIGHTS.

CITIZENSHIP.

THE ELECTIVE FRANCHISE.

NATURALIZATION.

CRIMES AGAINST THE OPERATION OF THE GOVERNMENT.

CRIMES AGAINST THE ELECTIVE FRANCHISE AND CIVIL RIGHTS OF
CITIZENS.

CHAPTER II, TITLE II. (Page 4.)

Apportionment and Election of Representatives.

SECTION 20. Number and Apportionment of Representatives.

21. Representatives assigned to New States.

22. Reduction of Representation under Amendment 14.

23. Election by Districts.

24. Representative from California in Forty-fourth Congress.

25. Time of Election.

26. Vacancies.

27. Votes by ballot.

Number and Apportionment of Representatives.

SEC. 20. After the third day of March, eighteen hundred and seventy-three, the House of Representatives shall be composed of two hundred and ninety-two members, to be apportioned among the several States as follows:

Maine, - - - - - 5	New Hampshire, - - - 3
Vermont, - - - - - 3	Massachusetts, - - - 11
Rhode Island, - - - 2	Connecticut, - - - 4
New York, - - - - 33	New Jersey, - - - 7
Pennsylvania, - - - 27	Delaware, - - - 1
Maryland, - - - - 6	Virginia, - - - 9
North Carolina, - - - 8	South Carolina, - - - 5
Georgia, - - - - 9	Alabama, - - - 8
Mississippi, - - - 6	Louisiana, - - - 6
Ohio, - - - - 20	Kentucky, - - - 10
Tennessee, - - - 10	Indiana, - - - 13
Illinois, - - - - 19	Missouri, - - - 13
Arkansas, - - - - 4	Michigan, - - - 9
Florida, - - - - 2	Texas, - - - 6
Iowa, - - - - 9	Wisconsin, - - - 8
California, - - - 4	Minnesota, - - - 3
Oregon, - - - - 1	Kansas, - - - 3
West Virginia, - - - 3	Nevada, - - - 1
Nebraska, - - - - 1	

Representatives Assigned to New States.

SEC. 21. Whenever a new State is admitted to the Union, the Representatives assigned to it shall be in addition to the number two hundred and ninety-two.

Reduction of Representation under Amendment 14.

SEC. 22. Should any State deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article fourteen, Section two, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

Elections by Districts.

SEC. 23. In each State entitled under this apportionment to more than one Representative, the number to which such State may be entitled in the Forty-third and each subsequent Congress shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative; but in the election of Representatives to

the Forty-third Congress in any State to which an increased number of Representatives is given by this apportionment, the additional Representative or Representatives may be elected by the State at large, and the other Representatives by the districts as now prescribed by law, unless the Legislature of the State shall otherwise provide before the time fixed by law for the election of Representatives therein.

Representative from California in Forty-fourth Congress.

SEC. 24. Obsolete.

Time of Election.

SEC. 25. The Tuesday next after the first Monday in November, in the year eighteen hundred and seventy-six, is established as the day, in each of the States and Territories of the United States, for the election of Representatives and Delegates to the Forty-fifth Congress; and the Tuesday next after the first Monday in November, in every second year thereafter, is established as the day for the election, in each of said States and Territories, of Representatives and Delegates to the Congress, commencing on the fourth day of March next thereafter. (See Secs. 1863, 1905, 1906.)

Vacancies.

SEC. 26. The time for holding elections in any State, District or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively. (See Secs. 5511, 5515, 5520.)

Votes by Ballot.

SEC. 27. All votes for Representatives in Congress must be by written or printed ballot; and all votes received or recorded contrary to this section shall be of no effect. But this section shall not apply to any State voting otherwise whose election for Representatives occurs previous to the regular meeting of its Legislature next after the twenty-eighth day of February, eighteen hundred and seventy-one.

CHAPTER VIII, TITLE II. (Page 17.)

Contested Elections.

- SECTION 105. Notice of intention to contest.
106. Time for answer.
107. Time for taking testimony.
108. Notice of depositions; Service.
109. Testimony taken at several places at same time.
110. Who may issue subpoenas.
111. What the subpoena shall contain.
112. When Justices of the Peace may act.
113. Depositions by consent.
114. Service of subpoena.
115. Witnesses need not attend out of the county.
116. Penalty for failing to attend or testify.
117. Witnesses outside of district.
118. Party notified may select an officer.
119. Depositions taken by party or agent.
120. Examination of witnesses.
121. Testimony, to what confined.
122. Testimony, how written out and attested.
123. Production of papers.
124. Adjournments.
125. Notice, etc., attached to depositions.
126. Copy of notice and answer to accompanying testimony.
127. How testimony to be sent to Clerk of House; how opened.
128. Fees of witnesses.
129. Fees of officers.
130. Expenses of contest.

Notice of Intention to Contest.

SEC. 105. Whenever any person intends to contest an election of any member of the House of Representatives of the United States, he shall, within thirty days after the result of such election shall have been determined by the officer or board of canvassers authorized by law to determine the same, give notice, in writing, to the member whose seat he designs to contest, of his intention to contest the same, and, in such notice, shall specify particularly the grounds upon which he relies in the contest.

Time for Answer.

SEC. 106. Any member upon whom the notice mentioned in the preceding section may be served shall, within thirty days after the service thereof, answer such notice, admitting or denying the facts alleged therein, and stating specifically

any other grounds upon which he rests the validity of his election ; and shall serve a copy of his answer upon the contestant.

Time for taking Testimony.

SEC. 107. In all contested election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order : The contestant shall take testimony during the first forty days, the returned member during the succeeding forty days, and the contestant may take testimony in rebuttal only during the remaining ten days of said period.

Notice of Depositions—Service.

SEC. 108. The party desiring to take a deposition under the provisions of this chapter shall give the opposite party notice, in writing, of the time and place, when and where the same will be taken, of the name of the witnesses to be examined, and their places of residence, and of the name of an officer before whom the same will be taken. The notice shall be personally served upon the opposite party, or upon any agent or attorney authorized by him to take testimony or cross-examine witnesses in the matter of such contest, if, by the use of reasonable diligence, such personal service can be made, but if, by the use of such diligence, personal service cannot be made, the service may be made by leaving a duplicate of the notice at the usual place of abode of the opposite party, the notice shall be served so as to allow the opposite party sufficient time by the usual route of travel to attend, and one day for preparation, exclusive of Sundays and the day of service, testimony in rebuttal may be taken on five days' notice.

Testimony taken at Several Places at Same Time.

SEC. 109. Testimony in contested election cases may be taken at two or more places at the same time.

Who may Issue Subpœnas.

SEC. 110. When any contestant or returned member is desirous of obtaining testimony respecting a contested election, he may apply for a subpœna to either of the following officers who may reside within the Congressional district in which the election to be contested was held :

First—Any Judge of any Court of the United States.

Second—Any Chancellor, Judge, or Justice of a Court of record of any State.

Third—Any Mayor, Recorder, or Intendant of any town or city.

Fourth—Any Register in Bankruptcy or Notary Public.

What the Subpœna shall Contain.

SEC. 111. The officer to whom the application authorized by the preceding section is made, shall thereupon issue his writ of subpœna, directed to all such witnesses as shall be named to him, requiring their attendance before him, at some time and place named in the subpœna, in order to be examined respecting the contested election.

When Justices of the Peace may Act.

SEC. 112. In case none of the officers mentioned in Section one hundred and ten are residing in the Congressional district from which the election is proposed to be contested, the application thereby authorized may be made to any two Justices of the Peace residing within the district; and they may receive such application and jointly proceed upon it.

Depositions by Consent.

SEC. 113. It shall be competent for the parties, their agents or attorneys authorized to act in the premises, by consent in writing, to take depositions without notice; also, by such written consent, to take depositions (whether upon or without notice) before any officer or officers authorized to take depositions in common law or civil actions, or in chancery, by either the laws of the United States or of the State in which the same may be taken, and to waive proof of the official character of such officer or officers. Any written consent given as aforesaid shall be returned with the depositions.

Service of Subpœna.

SEC. 114. Each witness shall be duly served with a subpœna, by a copy thereof delivered to him or left at his usual place of abode, at least five days before the day on which the attendance of the witness is required.

Witnesses need not Attend out of the County.

SEC. 115. No witness shall be required to attend an examination out of the county in which he may reside or be served with a subpœna.

Penalty for Failing to Attend or Testify.

SEC. 116. Any person who, having been summoned in the manner above directed, refuses or neglects to attend and

testify, unless prevented by sickness or unavoidable necessity, shall forfeit the sum of twenty dollars, to be recovered, with costs of suit, by the party at whose instance the subpoena was issued, and for his use, by an action of debt, in any Court of the United States; and shall also be liable to an indictment for a misdemeanor, and punishment by fine and imprisonment.

Witnesses Outside of District.

SEC. 117. Depositions of witnesses residing outside of the district and beyond the reach of a subpoena may be taken before any officer authorized by law to take testimony in contested election cases in the district in which the witness to be examined may reside.

Party Notified may Select an Officer.

SEC. 118. The party notified as aforesaid, his agent or attorney, may, if he see fit, select an officer (having authority to take depositions in such cases) to officiate, with the officer named in the notice, in the taking of the depositions; and if both such officers attend, the depositions shall be taken before them both, sitting together, and be certified by them both. But if only one of such officers attend, the depositions may be taken before and certified by him alone.

Depositions Taken by Party or Agent.

SEC. 119. At the taking of any deposition under this Chapter, either party may appear and act in person, or by agent or attorney.

Examination of Witnesses.

SEC. 120. All witnesses who attend in obedience to a subpoena, or who attend voluntarily at the time and place appointed, of whose examination notice has been given, as provided by this Chapter, shall then and there be examined on oath by the officer who issued the subpoena, or, in case of his absence, by any other officer who is authorized to issue such subpoena, or by the officer before whom the depositions are to be taken by written consent, or before whom the depositions of witnesses residing outside of the district are to be taken, as the case may be, touching all such matters respecting the election about to be contested as shall be proposed by either of the parties or their agents.

Testimony, to what Confined.

SEC. 121. The testimony to be taken by either party to the contest shall be confined to the proof or disproof of the

facts alleged or denied in the notice and answer mentioned in sections one hundred and five and one hundred and six.

Testimony, how Written Out and Tested.

SEC. 122. The officer shall cause the testimony of the witnesses, together with the questions proposed by the parties or their agents, to be reduced to writing in his presence, and in the presence of the parties or their agents, if attending, and to be duly attested by the witnesses respectively.

Production of Papers.

SEC. 123. The officer shall have power to require the production of papers; and on the refusal or neglect of any person to produce and deliver up any paper or papers in his possession pertaining to the election, or to produce and deliver up certified or sworn copies of the same in case they may be official papers, such person shall be liable to all the penalties prescribed in Section one hundred and sixteen. All papers thus produced, and all certified or sworn copies of official papers, shall be transmitted by the officer, with the testimony of the witnesses, to the Clerk of the House of Representatives.

Adjournments.

SEC. 124. The taking of the testimony may, if so stated in the notice, be adjourned from day to day.

Notice, etc., Attached to Depositions.

SEC. 125. The notice to take depositions, with the proof or acknowledgment of the service thereof, and a copy of the subpoena, where any has been served, shall be attached to the depositions when completed.

Copy of Notice and Answer to Accompany Testimony.

SEC. 126. A copy of the notice of contest and of the answer of the returned member, shall be prefixed to the depositions taken, and transmitted with them to the Clerk of the House of Representatives.

How Testimony to be Sent to Clerk of House—How Opened.

SEC. 127. All officers taking testimony to be used in a contested election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify and carefully seal and immediately forward the same, by mail, addressed to the Clerk of the House of Representatives of the United States, Wash-

ington, D. C.; and shall also endorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such endorsement. Upon the written request of either party the Clerk of the House of Representatives shall open any deposition at any time after he shall have received the same, and he may furnish either party with a copy thereof.

Fees of Witnesses.

SEC. 128. Every witness attending by virtue of any subpoena herein directed to be issued shall be entitled to receive the sum of seventy-five cents for each day's attendance, and the further sum of five cents for every mile necessarily traveled in going and returning; such allowance shall be ascertained and certified by the officer taking the examination, and shall be paid by the party at whose instance such witness was summoned.

Fees of Officers.

SEC. 129. Each Judge, Justice, Chancellor, Chief Executive officer of a town or city, Register in Bankruptcy, Notary Public and Justice of the Peace, who shall be necessarily employed pursuant to the provisions of this Chapter, and all Sheriffs, Constables or other officers who may be employed to serve any subpoena or notice herein authorized, shall be entitled to receive from the party at whose instance the service shall have been performed, such fees as are allowed for similar services in the State wherein such service may be rendered.

Expense of Contest.

SEC. 130. No payment shall be made by the House of Representatives, out of its contingent fund or otherwise, to either party to a contested election case for expenses incurred in prosecuting or defending the same.

CHAPTER I, TITLE III. (Page 21.)

Presidential Elections.

- SECTION 131. Time of appointing Electors.
132. Number of Electors.
133. Vacancies in Electoral College.
134. Failure to make a choice on the appointed day.
135. Meeting of Electoral College.

- SECTION 136. List of names of Electors to be furnished to them.
137. Manner of voting.
138. Certificates to be made and signed.
139. Certificates to be sealed and indorsed.
140. Transmission of the certificates.
141. When Secretary of State shall send for District Judge's list.
142. Counting the Electoral votes in Congress.
143. Provision for absence of President of the Senate.
144. Mileage of Messengers.
145. Forfeiture for Messengers' neglect of duty.
146. Vacancy in both offices.
147. Notification of vacancies to be published.
148. Requisites of the notification.
149. Time of holding election to fill vacancy.
150. Regulations for quadrennial election made applicable to election to fill vacancies.
151. Resignation or refusal of office.

Time of Appointing Electors.

SEC. 131. Except in case of a presidential election prior to the ordinary period as specified in sections one hundred and forty-seven to one hundred and forty-nine, inclusive, when the offices of President and Vice-President both become vacant, the Electors of President and Vice-President shall be appointed in each State on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice-President.

[See sec. 5520.]

Number of Electors.

SEC. 132. The number of Electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice-President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration at the time of choosing Electors, the number of Electors shall be according to the then existing apportionment of Senators and Representatives.

Vacancies in Electoral College.

SEC. 133. Each State may, by law, provide for the filling of any vacancies which may occur in its college of Electors when such college meets to give its electoral vote.

Failure to make a Choice on the Appointed Day.

SEC. 134. Whenever any State has held an election for the purpose of choosing Electors, and has failed to make a

choice on the day prescribed by law, the Electors may be appointed on a subsequent day in such a manner as the Legislature of such State may direct.

Meeting of Electoral College.

SEC. 135. The Electors for each State shall meet and give their votes upon the first Wednesday in December in the year in which they are appointed, at such place, in each State, as the Legislature of such State shall direct.

List of Names of Electors to be Furnished to Them.

SEC. 136. It shall be the duty of the Executive of each State to cause three lists of the names of the Electors of such State to be made and certified, and to be delivered to the Electors on or before the day on which they are required by the preceding section to meet.

Manner of Voting.

SEC. 137. The Electors shall vote for President and Vice-President, respectively, in the manner directed by the Constitution.

Certificates to be Made and Signed.

SEC. 138. The Electors shall make and sign three certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice-President, and shall annex to each of the certificates one of the lists of the Electors which shall have been furnished to them by direction of the Executive of the State.

Certificates to be Sealed and Endorsed.

SEC. 139. The Electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice-President are contained therein.

Transmission of the Certificates.

SEC. 140. The Electors shall dispose of the certificates thus made by them in the following manner :

One—They shall, by writing, under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of government, before the first Wednesday in January then next ensuing, one of the certificates.

Two—They shall forthwith forward by the postoffice to

the President of the Senate, at the seat of government, one other of the certificates.

Three—They shall forthwith cause the other of the certificates to be delivered to the Judge of that district in which the Electors shall assemble.

When the Secretary of State shall send for District Judge's List.

SEC. 141. Whenever a certificate of votes from any State has not been received at the seat of government on the first Wednesday of January indicated by the preceding section, the Secretary of State shall send a special messenger to the District Judge in whose custody one certificate of the votes from that State has been lodged, and such Judge shall forthwith transmit that list to the seat of government.

Counting the Electoral Vote in Congress.

SEC. 142. Congress shall be in session on the second Wednesday in February succeeding every meeting of the Electors, and the certificates, or so many of them as have been received, shall then be opened, the votes counted, and the persons to fill the offices of President and Vice-President ascertained and declared, agreeable to the Constitution.

Provision for Absence of the President of the Senate.

SEC. 143. In case there shall be no President of the Senate at the seat of government on the arrival of the persons intrusted with the certificates of the votes of the Electors, then such persons shall deliver such certificates into the office of the Secretary of State, to be safely kept and delivered over as soon as may be to the President of the Senate.

Mileage of Messengers.

SEC. 144. Each of the persons appointed by the Electors to deliver the certificates of votes to the President of the Senate shall be allowed, on the delivery of the list intrusted to him, twenty-five cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the Electors to the seat of government of the United States.

Forfeiture for Messengers' Neglect of Duty.

SEC. 145. Every person who, having been appointed, pursuant to Subdivision one of Section one hundred and forty, or to Section one hundred and forty-one, to deliver the certificates of the votes of the Electors to the President of the Senate, and, having accepted such appointment, shall

neglect to perform the services required from him, shall forfeit the sum of one thousand dollars.

Vacancies in both Offices.

SEC. 146. In case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the President of the Senate, or, if there is none, then the Speaker of the House of Representatives, for the time being, shall act as President until the disability is removed or a President elected.

Notification of Vacancies to be Published.

SEC. 147. Whenever the offices of President and Vice-President both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the Executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State.

Requisites of the Notification.

SEC. 148. The notification shall specify that Electors of a President and Vice-President of the United States shall be appointed or chosen in the several States as follows:

First—If there shall be the space of two months yet to ensue between the date of such notification and the first Wednesday in December then next ensuing, such notification shall specify that the Electors shall be appointed or chosen within thirty-four days preceding such first Wednesday in December.

Second—If there shall not be the space of two months between the date of such notification and such first Wednesday in December, and if the term for which the President and Vice-President last in office were elected will not expire on the third day of March next ensuing, the notification shall specify that the Electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing. But if there shall not be the space of two months between the date of such notification and the first Wednesday in December then next ensuing, and if the term for which the President and Vice-President last in office were elected will expire on the third day of March next ensuing, the notification shall not specify that Electors are to be appointed or chosen.

Time of Holding Election to Fill Vacancy.

SEC. 149. Electors appointed or chosen upon the notifi-

cation prescribed by the preceding section shall meet and give their votes upon the first Wednesday of December specified in the notification.

Regulations for Quadrennial Election made Applicable to Election to Fill Vacancies.

SEC. 150. The provisions of this Title, relating to the quadrennial election of President and Vice-President, shall apply with respect to any election to fill vacancies in the offices of President and Vice-President, held upon a notification given when both offices become vacant.

Resignation or Refusal of Office.

SEC. 151. The only evidence of a refusal to accept, or of a resignation of the office of President or Vice-President, shall be an instrument in writing declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

EXTRACT FROM TITLE XXIV. (Page 348.)

Civil Rights.

- SECTION 1977. Equal rights under the law.
 1978. Rights of citizens in respect to real and personal property.
 1979. Civil action for deprivation of rights.
 1980. Conspiracy.
 1981. Action for neglect to prevent conspiracy.
 1982. District Attorney, etc., to prosecute.
 1983. Commissioners.
 1984. They may appoint persons to execute warrants, etc.
 1985. Marshals to obey precepts, etc.
 1986. Fees of District Attorney, etc.
 1987. Of persons appointed to execute process, etc.
 1988. Speedy trial.
 1989. Aid of the military and naval forces.
 1990. Peonage abolished.
 1991. Foregoing section, how enforced.

Conspiracy to Prevent Voter from Voting, etc.—Injured Party may have Action for Damages.

SEC. 1980. * * * * * *

Third. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the prem-

ises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy, in a legal manner, toward or in favor of the election of any lawfully qualified person as an Elector for President or Vice-President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. (See Secs. 563, 629.)

Action for Neglect to Prevent Conspiracy.

SEC. 1981. Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. (See Sec. 629.)

District Attorney, etc., to Prosecute.

SEC. 1982. The District Attorneys, Marshals, and Deputy Marshals, the Commissioners appointed by the Circuit and Territorial Courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of Chapter seven of the Title "CRIMES," and to cause such persons to be arrested, and imprisoned or bailed, for trial before the Court of the United States or the Territorial Court having cognizance of the offense.

Commissioners.

SEC. 1983. The Circuit Courts of the United States and the District Courts of the Territories, from time to time, shall increase the number of Commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in the preceding section; and such Commissioners are authorized and required to exercise all the powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States.

They may Appoint Persons to Execute Warrants, etc.

SEC. 1984. The Commissioners authorized to be appointed by the preceding section are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the Commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or *posse comitatus* of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued. (See Sec. 5516.)

Marshal to Obey Precepts, etc.

SEC. 1985. Every Marshal and Deputy Marshal shall obey and execute all warrants or other process, when directed to him, issued under the provisions hereof. (See Sec. 5516.)

TITLE XXV. (Page 351.)

Citizenship.

- SECTION 1992. Who are citizens.
1993. Citizenship of children of citizens born abroad.
1994. Citizenship of married women.
1995. Of persons born in Oregon.
1996. Rights as citizens forfeited for desertion, etc.
1997. Certain soldiers and sailors not to incur the forfeitures of the last Section.
1998. Avoiding the draft.
1999. Right of expatriation declared.
2000. Protection to naturalized citizens in Foreign States.
2001. Release of citizens imprisoned by Foreign Governments to be demanded.

Who are Citizens.

SEC. 1992. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

Citizenship of Children of Citizens Born Abroad.

SEC. 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

Citizenship of Married Women.

SEC. 1994. Any women who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

Of Persons Born in Oregon.

SEC. 1995. All persons born in the district of country formerly known as the Territory of Oregon, and subject to the jurisdiction of the United States on the 18th May, 1872, are citizens in the same manner as if born elsewhere in the United States.

Rights as Citizens Forfeited for Desertion, etc.

SEC. 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost-marshal within sixty

days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.

Certain Soldiers and Sailors not to incur the Forfeitures of the last Section.

SEC. 1997. No soldier or sailor, however, who faithfully served according to his enlistment until the 19th day of April, 1865, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date, shall be held to be a deserter from the Army or Navy; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred, under the preceding section, by the loss of citizenship and of the right to hold office, in consequence of his desertion.

Avoiding the Draft.

SEC. 1998. Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of Section nineteen hundred and ninety-six.

TITLE XXVI. (Page 353.)

The Elective Franchise.

- SECTION 2002. Bringing armed troops to places of election.
2003. Interference with freedom of election by officers of Army or Navy.
2004. Race, color, or previous condition not to affect the right to vote.
2005. Nor the performance of any prerequisite.
2006. Penalty for refusing to give full effect to preceding section.
2007. What shall entitle a person to vote.
2008. Penalty for wrongfully refusing to receive a vote.
2009. For unlawfully hindering a person from voting.
2010. Remedy for deprivation of office.

- SECTION 2011. In cities or towns of over 20,000 inhabitants, upon written application of two citizens, the Circuit Judge to open Court.
2012. Supervisors of election.
2013. Court to be kept open.
2014. District Judge may perform duties of Circuit Judge.
2015. Construction of preceding section.
2016. Duties of Supervisors of elections.
2017. Attendance at elections.
2018. To personally scrutinize and count each ballot.
2019. Their positions.
2020. When molested.
2021. Special deputies.
2022. Duties of Marshals.
2023. Persons arrested to be taken forthwith before a Judge, etc.
2024. Assistance of bystanders.
2025. Chief Supervisors of elections.
2026. Their duties.
2027. Marshals to forward complaint to Chief Supervisors.
2028. Supervisors and Deputy Marshals to be qualified voters, etc.
2029. Certain Supervisors not to make arrests, etc.
2030. No more Marshals or Deputy Marshals to be appointed than now authorized.
2031. Pay of Supervisors.

Bringing Armed Troops to Places of Election.

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls. (See Secs. 5528, 5529, 5532.)

Interference with Freedom of Elections by Officers of Army or Navy.

SEC. 2003. No officer of the army or navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State. (See Secs. 5530, 5532.)

Race, Color, or Previous Condition not to Affect the Right to Vote.

SEC. 2004. All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish,

township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

Nor the Performance of any Prerequisite.

SEC. 2005. When, under the authority of the Constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such Constitution or laws persons or officers are charged with the duty of furnishing to the citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.

Penalty for Refusing to Give Full Effect to Preceding Section.

SEC. 2006. Every person or officer charged with the duty specified in the preceding section, who refuses or knowingly omits to give full effect to that section, shall forfeit the sum of five hundred dollars to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

What Shall Entitle a Person to Vote.

SEC. 2007. Whenever under the authority of the Constitution or laws of any State, or the laws of any Territory, any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

Penalty for Wrongfully Refusing to Receive a Vote.

SEC. 2008. Every Judge, Inspector, or other officer of election whose duty it is to receive, count, certify, register,

report, or give effect to the vote of such citizen who wrongfully refuses or omits to receive, count, certify, register, report or give effect to the vote of such citizen upon the presentation by him of his affidavit, stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall forfeit the sum of five hundred dollars to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

For Unlawfully Hindering a Person from Voting.

SEC. 2009. Every officer or other person, having powers or duties of an official character to discharge under any of the provisions of this Title, who by threats, or any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall forfeit the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

Remedy for Deprivation of Office.

SEC. 2010. Whenever any person is defeated or deprived of his election to any office, except Elector of President or Vice-President, Representative or Delegate in Congress, or member of a State Legislature, by reason of the denial to any citizen who may offer to vote, of the right to vote, on account of race, color, or previous condition of servitude, his right to hold and enjoy such office, and the emoluments thereof, shall not be impaired by such denial; and the person so defeated or deprived may bring any appropriate suit or proceeding to recover possession of such office, and in cases where it appears that the sole question touching the title to such office arises out of the denial of the right to vote to citizens who so offered to vote, on account of race, color, or previous condition of servitude, such suit or proceeding may be instituted in the Circuit or District Court of the United States of the circuit or district in which such person resides. And the Circuit or District Court shall have, concurrently with the State courts, jurisdiction thereof, so far as to

determine the rights of the parties to such office by reason of the denial of the right guaranteed by the fifteenth article of amendment to the Constitution of the United States, and secured herein. (See Secs. 563, 629.)

In Cities or Towns of Over 20,000 Inhabitants, etc., upon Written Application of Two Citizens the Circuit Judge to Open Court.

SEC. 2011. Whenever, in any city or town having upward of twenty thousand inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any congressional district, there are ten citizens thereof, of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the Judge of the Circuit Court of the United States for the circuit wherein such city or town, county or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the Judge, within not less than ten days prior to the registration, if one there be, or, if no registration be required, within not less than ten days prior to the election, shall open the Circuit Court at the most convenient point in the circuit.

Supervisors of Election.

SEC. 2012. The Court, when so opened by the Judge, shall proceed to appoint and commission, from day to day, and from time to time, and under the hand of the Judge, and under the seal of the Court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as Supervisors of Election. (See Secs. 5521–5522.)

Court to be Kept Open.

SEC. 2013. The Circuit Court, when opened by the Judge as required in the two preceding sections, shall therefrom and thereafter, and up to and including the day following the day of election, be always open for the trans-

action of business under this Title, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time; and a Judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in Court.

District Judge may Perform Duties of Circuit Judge.

SEC. 2014. Whenever, from any cause, the Judge of the Circuit Court in any judicial circuit is unable to perform and discharge the duties herein imposed, he is required to select and assign to the performance thereof, in his place, such one of the Judges of the District Courts within his circuit as he may deem best; and upon such selection and assignment being made, the District Judge so designated shall perform and discharge, in the place of the Circuit Judge, all the duties, powers and obligations imposed and conferred upon the Circuit Judge by the provisions hereof.

Construction of Preceding Section.

SEC. 2015. The preceding section shall be construed to authorize each of the Judges of the Circuit Courts of the United States to designate one or more of the Judges of the District Courts within his circuit to discharge the duties arising under this Title.

Duties of Supervisors of Elections.

SEC. 2016. The Supervisors of Election, so appointed, are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in Section two thousand and twenty-six, and verify the same; and upon any occasion, and at any time, when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name.

Attendance at Elections.

SEC. 2017. The Supervisors of Election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the Supervisors, or either of them, may doubt; to be and remain where the ballot-boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, Territorial or municipal law, and to personally inspect and scrutinize, from time to time, and at all times on the day of election, the manner in which the voting is done, and the way and method in which the poll-books, registry-lists, and tallies or check-books, whether the same are required by any law of the United States, or any State, Territorial, or municipal law, are kept.

To Personally Scrutinize and Count each Ballot.

SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the endorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of Section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry-list, and any and all copies thereof and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, Territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known.

Their Positions.

SEC. 2019. The better to enable the supervisors of election to discharge their duties, they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot-boxes, as will, in their judgment best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes, they are required to place themselves in such position, in relation to the ballot-boxes for the purpose of engaging in the work of canvassing the ballots, as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns, and statements has been wholly completed. (See Sec. 5521.)

When Molested.

SEC. 2020. When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within ten days after the day of election to the officer who, in accordance with the provisions of Section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the Circuit Court, shall forthwith examine into all the facts; and he shall have power to subpoena and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and prior to the assembling of the Congress for which any such

Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made. (See Sec. 5522.)

Special Deputy Marshals.

SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upwards the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times and places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

Duties of Marshals.

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election; and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts, or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration. (See Secs. 5521, 5522.)

Persons Arrested to be Taken Forthwith Before a Judge, etc.

SEC. 2023. Whenever any arrest is made under any provision of this Title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him ; and such commissioner, judge or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

Assistance of Bystanders.

SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him in writing, and under his hand and seal, whenever he, or either, or any of them, is forcibly resisted in executing their duties under this Title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or *posse comitatus* of his district.

Chief Supervisors of Elections.

SEC. 2025. The circuit courts of the United States for each judicial circuit shall name and appoint, on or before the first day of May, in the year eighteen hundred and seventy-one, and thereafter as vacancies may from any cause arise, from among the circuit court commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this Title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as faithful and capable, discharge the duties in this Title imposed. (See Sec. 627).

Their Duties.

SEC. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the application of all parties for appointment to such positions ; upon the opening, as contemplated in section two thousand and twelve, of the circuit court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the

court of such supervisors of election, he shall require of the supervisors of election when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this Title, and all certificates, returns, reports, and records of every kind and nature contemplated or made requisite by the provisions hereof, save where otherwise herein specially directed. (See Sec. 627).

Marshals to Forward Complaint to Chief Supervisors.

SEC. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of Representatives or Delegates in the Congress of the United States, from time to time, and with all due diligence, shall forward to the chief supervisor in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed.

Supervisors and Deputy Marshals to be Qualified Voters, etc.

SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal, under the preceding provisions, who is not, at the time of his appointment, a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

Certain Supervisors not to make Arrests, etc.

SEC. 2029. The supervisors of election appointed for any county or parish in any congressional district, at the instance of ten citizens, as provided in section two thousand and eleven, shall have no authority to make arrests or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes and the making of a return thereof.

*No more Marshals or Deputy Marshals to be Appointed
than now Authorized.*

SEC. 2030. Nothing in this Title shall be construed to authorize the appointment of any marshals or deputy marshals in addition to those authorized by law, prior to the tenth day of June, eighteen hundred and seventy-two.

Pay of Supervisors.

SEC. 2031. There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as Circuit Court Commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, ten cents; for affixing a seal to any paper, record, report, or instrument, twenty cents; for entering and indexing the records of his office, fifteen cents per folio; and for arranging and transmitting to Congress, as provided for in section two thousand and twenty, any report, statement, record, return, or examination, for each folio, fifteen cents; and for any copy thereof, or of any paper on file, a like sum. And there shall be allowed and paid to each supervisor of election, and each special deputy marshal who is appointed and performs his duty under the preceding provisions, compensation at the rate of five dollars per day for each day he is actually on duty, not exceeding ten days; but no compensation shall be allowed, in any case, to supervisors of election, except to those appointed in cities or towns of twenty thousand or more inhabitants. And the fees of the chief supervisor shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge.

TITLE XXX. (Page 380.)

Naturalization.

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Aliens, how Naturalized.

SEC. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First—He shall declare on oath, before a Circuit or District Court of the United States, or a District or Supreme Court of the Territories, or a Court of Record of any of the States having common law jurisdiction, and a seal and Clerk, two years, at least, prior to his admission, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign Prince, Potentate, State, or Sovereignty, and, particularly, by name, to the Prince, Potentate, State, or Sovereignty of which the alien may be at the time a citizen or subject.

NOTE.—Campbell *vs.* Gordon, 6 Cr. 176; Stark *vs.* Chesapeake Insurance Co., 7 Cr. 420; Chirack *vs.* Chirack, 2 Wh. 259; Osborn *vs.* U. S. Bank, 9 Wh. 827. Spratt *vs.* Spratt, 4 Pet. 393.

Second—He shall, at the time of his application to be admitted, declare, on oath, before some one of the Courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign Prince, Potentate, State, or Sovereignty; and, particularly, by name, to the Prince, Potentate, State, or Sovereignty, of which he was before a citizen or subject; which proceedings shall be recorded by the Clerk of the Court.

Residence in United States, or States and Good Moral Character.

Third—It shall be made to appear to the satisfaction of the Court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such Court is at the time held, one year at least; and that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Titles of Nobility to be Renounced.

Fourth—In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the Kingdom or State from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the Court to which his application is made, and his renunciation shall be recorded in the Court.

Persons Residing in the United States before 29 January, 1795.

Fifth—Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the Courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or Territory where such Court is at the time held; and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign Prince, Potentate, State, or Sovereignty, and, particularly, by name, to the Prince, Potentate, State, or Sovereignty whereof he was before a citizen or subject; and also, on its appearing to the satisfaction of the Court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the Kingdom or State from which he came, on his, moreover, making in the Court an express renunciation of his title or order of nobility. All of the proceedings, required in this condition to be performed in the Court, shall be recorded by the Clerk thereof.

Persons Residing between 18 June, 1798, and 18 June, 1812.

Sixth—Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without having made any previous declaration of his intention to become such; but whenever any

person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the Court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the Court admitting the applicant, otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

(*Amendment of February 1, 1876*). The declaration of intention to become a citizen of the United States, required by Section two thousand one hundred and sixty-five of the Revised Statutes of the United States, may be made by an alien before the Clerk of any of the Courts named in said Section two thousand one hundred and sixty-five; and all such declarations heretofore made before any such Clerk are hereby declared as legal and valid as if made before one of the Courts named in said section.

Aliens, honorably discharged from Military Service.

SEC. 2166. Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such, and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the Court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

Minor Residents.

SEC. 2167. Any alien, being under the age of twenty-one

years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of Section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission, and shall further declare, on oath, and prove to the satisfaction of the Court that, for two years next preceding, it has been his *bona fide* intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

Widow and Children of Declarants.

SEC. 2168. When any alien, who has complied with the first condition specified in Section twenty-one hundred and sixty-five dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

Aliens of African Nativity and Descent.

SEC. 2169. The provisions of this title shall apply to aliens of African nativity and persons of African descent.

Residence of five years in United States.

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

Alien Enemies not Admitted.

SEC. 2171. No alien who is a native citizen or subject, or a denizen of any country, State, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens

thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

Children of Persons Naturalized under certain Laws to be Citizens.

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the revolutionary war, shall be admitted to become a citizen without the consent of the Legislature of the State in which such person was proscribed.

Police Court of District of Columbia has no Power to Naturalize Foreigners.

SEC. 2173. The Police Court of the District of Columbia shall have no power to naturalize foreigners.

Naturalization of Seamen.

SEC. 2174. Every seaman being a foreigner who declares his intention of becoming a citizen of the United States in any competent Court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent Court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and

serving on board any merchant vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

TITLE LXX, CHAPTER V. (Page 1054.)

Crimes Against the Operation of the Government.

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- SECTION 5424. False personation, etc., in procuring naturalization.
 5425. Using false certificates of citizenship, etc.
 5426. Using false certificates, etc., as evidence of a right to vote.
 5427. Aiding or abetting violation of preceding sections.
 5428. Falsely claiming citizenship.
 5429. Provisions applicable to all Courts of naturalization.

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False Personation, etc., in Procuring Naturalization.

SEC. 5424. Every person applying to be admitted a citizen or appearing as a witness, for any such person, who knowingly personates any other person than himself, or falsely appears in the name of a deceased person, or in an assumed or fictitious name, or falsely makes, forges, or counterfeits any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing, for the naturalization of aliens; or who utters, sells, disposes of, or uses as true or genuine, or for any unlawful purpose, any false, forged, ante-dated or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified, or sells or disposes of to any person other than the person for whom it was originally issued any certificate of citizenship, or certificate showing any person to be admitted a citizen. shall be punished by imprisonment at hard labor, not less than one year, nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

Using False Certificate of Citizenship, etc.

SEC. 5425. Every person who uses, or attempts to use, or aids, or assists, or participates in the use of any certifi-

cate of citizenship, knowing the same to be forged, or counterfeit, or ante-dated, or knowing the same to have been procured by fraud, or otherwise unlawfully obtained, or who, without lawful excuse, knowingly is possessed of any false, forged, ante-dated, or counterfeit certificate of citizenship, purporting to have been issued under the provisions of any law of the United States relating to naturalization, knowing such certificate to be false, forged, ante-dated, or counterfeit, with intent unlawfully to use the same, or obtains, accepts, or receives any certificate of citizenship known to such person to have been procured by fraud or by the use of any false name, or by means of any false statement made with intent to procure, or to aid in procuring, the issue of such certificate, or known to such person to be fraudulently altered or ante-dated; and every person who has been or may be admitted to be a citizen who, on oath or by affidavit, knowingly denies that he has been so admitted, with intent to evade or avoid any duty or liability imposed or required by law, shall be imprisoned at hard labor not less than one year nor more than five years, or be fined not less than three hundred dollars nor more than one thousand dollars, or both such punishments may be imposed.

Using False Certificate, etc., as Evidence of Right to Vote.

SEC. 5426. Every person who in any manner uses for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order or certificate, judgment, or exemplification has been unlawfully issued or made; and every person who unlawfully uses or attempts to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be punished by imprisonment at hard labor not less than one year nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

Aiding or Abetting Violation of Preceding Sections.

SEC. 5427. Every person who knowingly and intentionally aids or abets any person in the commission of any felony denounced in the three preceding sections, or attempts to do any act therein made felony, or counsels, advises, or procures, or attempts to procure, the commission thereof,

shall be punished in the same manner and to the same extent as the principal party.

Falsely Claiming Citizenship.

SEC. 5428. Every person who knowingly uses any certificate of naturalization heretofore granted by any Court, or hereafter granted, which has been or may be procured through fraud or by false evidence, or has been or may be issued by the Clerk or any other officer of the Court, without any appearance and hearing of the applicant in Court, and without lawful authority; and every person who falsely represents himself to be a citizen of the United States without having been duly admitted to citizenship, for any fraudulent purpose whatever, shall be punishable by a fine of not more than one thousand dollars, or be imprisoned not more than two years, or both.

Provisions Applicable to all Courts of Naturalization.

SEC. 5429. The provisions of the five preceding sections shall apply to all proceedings had or taken, or attempted to be had or taken, before any Court in which any proceedings for naturalization may be commenced or attempted to be commenced. (See Secs. 2165-2174.)

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EXTRACT FROM CHAPTER VII. (Page 1073.)

Crimes Against the Elective Franchise and Civil Rights of Citizens.

- SECTION 5506. Preventing, etc., citizens from voting.
 5507. Intimidating voters by bribery or threats.
 5508. Conspiracy to injure or intimidate citizens in the exercise of civil rights.
 5509. Other crimes committed while violating the preceding sections.
 5510. Depriving citizens of civil rights under color of State laws.
 5511. Fraudulent voting, etc., at elections for Representative to Congress.
 5512. Fraudulent registration, etc.
 5513. What deemed a registration under last section.
 5514. Voting or offering to vote in certain cases *prima facie* evidence, etc.
 5515. Violation of duty by officers of election.
 5516. Obstructing execution of process in civil rights cases, etc.
 5517. Marshal refusing to receive or execute process.

- SECTION 5518. Conspiracy to prevent accepting or holding office under United States, etc.
5519. Conspiracy to deprive any person of the equal protection of the laws.
5520. Conspiracy to prevent the support of any candidate, etc.
5521. Supervisor of Election, etc., neglecting to discharge duties.
5522. Interfering with Supervisor of Election, Marshals, or Deputies.
5523. Obstructing verification of registration lists, etc.
5524. Receiving or carrying away any person to be sold or held as a slave.
5525. Kidnapping.
5526. Holding or returning persons to peonage.
5527. Obstructing execution of laws prohibiting peonage.
5528. Unlawful presence of troops at elections.
5529. Intimidation of voters by officers, etc., of Army or Navy.
5530. Officers of Army or Navy prescribing qualifications of voters.
5531. Officers, etc., of Army or Navy interfering with officers of election, etc.
5532. Disqualification for holding office.

Preventing, etc., Citizens from Voting.

SEC. 5506. Every person who, by any unlawful means, hinders, delays, prevents or obstructs, or combines and confederates with others to hinder, delay, prevent or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be fined not less than five hundred dollars, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment. (See Secs. 2004-2010.)

Intimidating Voters by Bribery or Threats.

SEC. 5507. Every person who prevents, hinders, controls or intimidates another from exercising, or in exercising the right of suffrage, to whom that right is guaranteed by the Fifteenth Amendment to the Constitution of the United States, by means of bribery or threats of depriving such person of employment or occupation, or of ejecting such person from a rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, shall be punished as provided in the preceding section.

Conspiracy to Injure or Intimidate Citizens in the Exercise of Civil Rights.

SEC. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same ; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than five thousand dollars and imprisoned not more than ten years ; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States. (See Sec. 5407).

Other Crimes Committed while Violating the Preceding Section.

SEC 5509. If in the act of violating any provision in either of the two preceding sections any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed.

Depriving Citizens of Civil Rights under Color of State Laws.

SEC. 5510. Every person who, under color of any law, statute, ordinance, regulation, or custom, subjects, or causes to be subjected, any inhabitant of any State or Territory to the deprivation of any rights, privileges, or immunities, secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be punished by a fine not more than one thousand dollars, or by imprisonment not more than one year, or by both. (See Sec. 1979).

Fraudulent Voting, etc., at Elections for Representative to Congress.

SEC. 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious ; or votes more than once at the same election for any candidate for the same office ; or votes at a place where he may not be lawfully entitled to

vote ; or votes without having a lawful right to vote ; or does any unlawful act to secure an opportunity to vote for himself, or any other person ; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote ; or interferes in any manner with any officer of such election in the discharge of his duties ; or by any such means, or other unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce, or declare the result of any such election or give or make any certificate, document or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same ; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempt to do so, he shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

Fraudulent Registration, etc.

SEC. 5512. If, at any registration of voters for an election for Representative or Delegate in the Congress of the United States, any person knowingly personates and registers, or attempts to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently registers, or fraudulently attempts to register, not having a lawful right so to do ; or does any unlawful act to secure registration for himself or any other person ; or by force, threat, menace, intimidation, bribery, reward or offer, or promise thereof, or other unlawful means, prevents or hinders any person having a lawful right to register from duly exercising such right ; or compels or induces by any such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interferes in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induces any officer of registration to violate or refuse to comply with his duty, or any law regulating the same ; or if any such officer knowingly and will-

fully registers as a voter any person not entitled to be registered, or refuses to so register any person entitled to be registered; or if any such officer or other person who has any duty to perform in relation to such registration or election, in ascertaining, announcing, or declaring the result thereof, or in giving or making any certificate, document, or evidence in relation thereto, knowingly neglects or refuses to perform any duty required by law, or violates any duty imposed by law, or does any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person aids, counsels, procures, or advises, any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be punishable as prescribed in the preceding section.

What Deemed a Registration Under Last Section.

SEC. 5513. Every registration made under the laws of any State or Territory, for any State or other election at which such Representative or Delegate in Congress may be chosen, shall be deemed to be a registration within the meaning of the preceding section, notwithstanding such registration is also made for the purposes of any State, Territorial, or municipal election.

Voting or Offering to Vote in Certain Cases, Prima Facie Evidence, etc.

SEC. 5514. Whenever the laws of any State or Territory require that the name of a candidate or person to be voted for as Representative or Delegate in Congress shall be printed, written, or contained, on any ticket or ballot with the names of other candidates or persons to be voted for at the same election as State, Territorial, municipal, or local officers, it shall be deemed sufficient *prima facie* evidence to convict any person charged with voting, or offering to vote, unlawfully, under the provisions of this chapter, to prove that the person so charged cast or offered to cast such a ticket or ballot whereon the name of such Representative or Delegate might by law be printed, written, or contained, or that the person so charged committed any of the offenses denounced in this chapter with reference to such ticket or ballot.

Violation of Duty by Officers of Election.

SEC. 5515. Every officer of an election at which any Representative or Delegate in Congress is voted for, whether

such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, Territorial, district, or municipal law or authority, who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof; or who violates any duty so imposed; or who knowingly does any acts thereby unauthorized, with intent to affect any such election, or the result thereof; or who fraudulently makes any false certificate of the result of such election in regard to such Representative or Delegate; or who withholds, conceals, or destroys any certificate of record so required by law respecting the election of any such Representative or Delegate; or who neglects or refuses to make and return such certificate as required by law; or who aids, counsels, procures, or advises any voter, person, or officer to do any act by this or any of the preceding sections made a crime, or to omit to do any duty the omission of which is by this or any of such sections made a crime, or attempts to do so, shall be punished as prescribed in Section fifty-five hundred and* eleven.

*NOTE.—As amended February 18, 1875, page 321.

Obstructing Execution of Process in Civil Rights Cases, etc.

SEC. 5516. Every person who willfully obstructs, hinders, or prevents any officer or other person charged with the execution of any warrant or process issued under the provisions of Sections nineteen hundred and eighty-four, and nineteen hundred and eighty-five, Title "CIVIL RIGHTS," or any person lawfully assisting him, from arresting any person for whose apprehension such warrant or process may have been issued; or rescues, or attempt to rescue, such person from the custody of the officer or other person lawfully assisting when so arrested, pursuant to the authority herein given; or aids, abets, or assists any person so arrested, directly or indirectly, to escape from the custody of the officer or other person legally authorized to arrest the party; or harbors or conceals any person for whose arrest a warrant or process has been issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for any of such offenses, be subject to a fine of not more than one thousand dollars, or imprisonment not more than six months, or both.

Marshal Refusing to Receive or Execute Process.

SEC. 5517. Every marshal and deputy marshal who re-

fuses to receive any warrant or other process when tendered to him, issued in pursuance of the provisions of Section nineteen hundred and eighty-five, Title "CIVIL RIGHTS," or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of one thousand dollars, for the benefit of the party agrieved thereby.

Conspiracy to Prevent Accepting or Holding Office under United States, etc.

SEC. 5518. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. (See Sec. 5407.)

Conspiracy to Deprive any Person of the Equal Protection of the Laws.

SEC. 5519. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. (See Sec. 5336.)

Conspiracy to prevent the Support of any Candidate, etc.

SEC. 5520. If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy, in a legal manner, toward or in favor of the election of any lawfully qualified person as an Elector for President or Vice-President, or as a member of the Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

Supervisors of Election, etc., Neglecting to Discharge Duties.

SEC. 5521. If any person be appointed a Supervisor of Election or a special Deputy Marshal under the provisions of Title "THE ELECTIVE FRANCHISE," and has taken the oath of office as such Supervisor of Election or such special Deputy Marshal, and thereafter neglects or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations, and requirements of such office until the expiration of the term for which he was appointed, he shall not only be subject to removal from office with loss of all pay or emoluments, but shall be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than two hundred dollars, and not more than five hundred dollars, or by both fine and imprisonment, and shall pay the costs of prosecution (See Secs. 2011-2031.)

Interfering with Supervisors of Election, Marshals or Deputies.

SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation or otherwise, interferes with or prevents the Supervisors of Election, or either of them, or the Marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders, or prevents the free attendance and presence at such places of registration or at such polls of election, or full and

free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room where any such registration or election or canvass of votes or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any Supervisor of Election, the Marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any Supervisor of Election, or the Marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than three thousand dollars, or by both such fine and imprisonment, and shall pay the costs of the prosecution.

Obstructing Verification of Registration Lists, etc.

SEC. 5523. Every person who, during the progress of any verification of any list of the persons who may have registered or voted, which is had or made under any of the provisions of Title "THE ELECTIVE FRANCHISE," refuses to answer, or refrains from answering, or, answering, knowingly gives false information in respect to any inquiry lawfully made, shall be punishable by imprisonment for not more than thirty days, or by a fine of not more than one hundred dollars, or by both, and shall pay the costs of the prosecution. (See Secs. 2016-2026.)

Unlawful Presence of Troops at Elections.

SEC. 5528. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control, any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States, or to keep the peace at the polls, shall be fined not more than five thousand dollars, and suffer imprisonment at hard labor not less than three months, nor more than five years. (See Sec. 2002.)

Intimidation of Voters by Officers etc., of Army or Navy.

SEC. 5529. Every officer or other person in the military or naval service, who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from freely exercising the right of suffrage at any general or special election, in such State, shall be fined not more than five thousand dollars, and imprisoned at hard labor not more than five years. (See Sec. 2003.)

Officers of Army or Navy Prescribing Qualifications of Voters.

SEC. 5530. Every officer of the Army or Navy who prescribes or fixes, or attempts to prescribe or fix, whether by proclamation, order, or otherwise, the qualifications of voters at any election in any State, shall be punished as provided in the preceding section. (See Sec. 2003.)

Officers, etc., of Army or Navy Interfering with Officers of Election, etc.

SEC. 5531. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, or otherwise, compels, or attempts to compel, any officer holding an election in any State to receive a vote from a person not legally qualified to vote, or who imposes, or attempts to impose, any regulations for conducting any general or special election in a State different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in Section fifty-five hundred and twenty-nine.

Disqualification for Holding Office.

SEC. 5532. Every person convicted of any of the offenses specified in the five preceding sections, shall, in addition to the punishments therein severally prescribed, be disqualified from holding any office of honor, profit or trust under the United States; but nothing in those sections shall be construed to prevent any officer, soldier, sailor or marine, from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

EXTRACTS FROM CONSTITUTION

OF THE

STATE OF CALIFORNIA.

PREAMBLE.

GENERAL PROVISIONS.

LEGISLATIVE POWER.

EXECUTIVE POWER.

JUDICIAL POWER.

MISCELLANEOUS.

PREAMBLE.

We, the people of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

GENERAL PROVISIONS.

Inalienable rights.

Popular government.

Apportionment of representation.

Who are or may be Electors.

Privileges of Electors.

Militia duty.

Residence.

Idiot, insane.

Elections by ballot.

Departments of Government.

Inalienable Rights.

SECTION 1, ARTICLE 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

Popular Government.

SEC. 2. All political power is inherent in the people, government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

Apportionment of Representation.

SEC. 14. Representation shall be apportioned according to population.

Who are or may be Electors.

SEC. 1, ARTICLE 2. Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the thirteenth day of May, eighteen hundred and forty-eight, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law; provided, that nothing herein contained shall be construed to prevent the Legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage Indians, or the descendants of Indians, in such special cases as such a proportion of the Legislative body may deem just and proper.

Privileges of Electors.

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

Militia Duty.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Residence.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house or other asylum, at public expense; nor while confined in any public prison.

Idiot, Insane.

SEC. 5. No idiot or insane person or persons convicted of any infamous crime, shall be entitled to the privileges of an elector.

Election by Ballot.

SEC. 6. All elections by the people shall be by ballot.

Departments of Government.

ARTICLE 3. The powers of the Government of the State of California shall be divided into three separate departments: the Legislative, the Executive and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

LEGISLATIVE POWER.

Senate and Assembly.

Sessions of Legislature.

Election and terms of Assemblymen.

Qualification of Senators and Assemblymen.

Election and terms of Senators.

Number and classes of Senators.

Ineligibility to office.

Apportionment of Legislators.

Congressional, Senatorial and Assembly Districts.

Senate and Assembly.

SEC. 1, ARTICLE 4. The Legislative power of the State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California; and the enacting clause of every law shall be as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Sessions of Legislature.

SEC. 2, *as amended* 1862. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days.

Election and Terms of Assemblymen.

SEC. 3, *as amended* 1862. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years.

Qualification of Senators and Assemblymen.

SEC. 4. Senators and members of Assembly shall be duly qualified electors in the respective counties and districts which they represent.

Election and Terms of Senators.

SEC. 5, *as amended* 1862. Senators shall be chosen for the term of four years, at the same time and places as members of Assembly; and no person shall be a member of the Senate, or Assembly, who has not been a citizen and inhabitant of the State, and of the county, or district, for which he shall be chosen, one year next before his election.

Number and Classes of Senators.

SEC. 6, *as amended* 1862. The number of Senators shall not be less than one-third, nor more than one-half, of that of the members of Assembly; and at the first session of the Legislature after this section takes effect, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen biennially.

Ineligibility to Office.

SEC. 21. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; provided, that officers in the militia, to which there is attached no annual salary, or local officers and postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

Apportionment of Legislators.

SEC. 29. The number of Senators and members of Assembly shall, at the first session of the Legislature, holden after the enumeration herein provided for and made, be fixed by the Legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of members of

Assembly shall not be less than twenty-four, nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand; and after that period, at such ratio that the whole number of members of Assembly shall never be less than thirty, nor more than eighty.

Congressional, Senatorial and Assembly Districts.

SEC. 30, *as amended* 1862. When a Congressional, Senatorial, or Assembly district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county shall be divided in forming a Congressional, Senatorial, or Assembly district, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many Congressional, Senatorial, or Assembly districts as such county may by apportionment be entitled to.

EXECUTIVE POWER.

Governor supreme Executive.

Election and term of Governor.

Qualification of Governor.

Returns of election.

Other officers of State.

Election of State officers.

Governor Supreme Executive.

SEC. 1, ARTICLE 5. The supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

Election and Term of Governor.

SEC. 2, *as amended* 1862. The Governor shall be elected by the qualified electors, at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election, and until his successor is elected and qualified.

Qualification of Governor.

SEC. 3. No person shall be eligible to the office of Governor (except at the first election) who has not been a citizen of the United States, and a resident of this State two years next preceding the election, and attained the age of twenty-five years at the time of said election.

Returns of Election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly who shall, during the first week of the session, open and publish them in presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of said persons, so having an equal and the highest number of votes, for Governor.

Other Officers of State.

SEC. 18, *as amended*, 1862. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General, shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor, and whose term of office shall be the same as Governor.

Election of State Officers.

SEC. 20. The Controller, Treasurer, Attorney-General, and Surveyor-General, shall be chosen by joint vote of the two Houses of the Legislature, at their first session under this Constitution, and thereafter shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor.

JUDICIAL POWER.

Judicial power vested in certain Courts.

Supreme Court.

Election of Justices of Supreme Court.

Judicial District, District Judges.

County Courts, County Judges, Probate Judge.

Justice of the Peace, etc.

Recorders and other inferior Municipal Courts.

Judicial Power Vested in Certain Courts.

SECTION 1, ARTICLE 6, *as amended* 1862. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts and in Justices of the Peace, and in such Recorders and other inferior Courts as the Legislature may establish in any incorporated city or town.

Supreme Court.

SEC. 2, *as amended* 1862. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done at Chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.

Election of Justices of Supreme Court.

SEC. 3, *as amended* 1862. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot, that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice.

Judicial Districts—District Judges.

SEC. 5, *as amended* 1862. The State shall be divided by the Legislature of eighteen hundred and sixty-three, into fourteen judicial districts, subject to such alteration from time to time, by a two-thirds vote of all the members elected to both Houses, as the public good may require; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by Section three of this Article. The District Judges shall hold their offices for the term of six years, from the first day of January next after their election. The Legislature shall have no power to grant leave of absence to a judicial officer, and any such officer who shall absent himself from the State for upwards of thirty consecutive days shall be deemed to have forfeited his office.

County Courts, County Judges, Probate Judge.

SEC. 7, *as amended* 1862. There shall be in each of the organized counties of the State a County Court, for each of which a County Judge shall be elected by the qualified

electors of the county, at the special judicial elections to be held, as provided for the election of Justices of the Supreme Court by Section three of this Article. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. Said Courts shall also have power to issue naturalization papers. In the city and county of San Francisco the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years.

Justices of the Peace, etc.

SEC. 9, *as amended* 1862. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties and responsibilities ; provided, such powers shall not in any case trench upon the jurisdiction of the several Courts of record. The Supreme Court, the District Courts, County Courts, the Probate Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.

Recorders and other Inferior Municipal Courts.

SEC. 10, *as amended* 1862. The Legislature shall fix by law the jurisdiction of any Recorder's, or other inferior municipal Court, which may be established in pursuance of Section one of this Article, and shall fix by law the powers, duties and responsibilities of the Judges thereof.

MISCELLANEOUS.

Legislature may provide for election of certain officers.

Superintendent of Public Instruction.

Dueling.

Oath of office.

New offices and officers.

Terms of office.

Right of suffrage.

Absence of resident.

Plurality vote.

Legislature may Provide for Election of Certain Officers.

SEC. 11, *as amended* 1862. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs and other necessary offi-

cers, and shall fix by law their duties and compensation. County Clerks shall be *ex-officio* Clerks of the Courts of Record in and for their respective counties. The Legislature may also provide for the appointment, by their several District Courts, of one or more Commissioners in the several counties of their respective districts, with authority to perform chamber business of the Judges of the District Courts and County Courts, and also to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

Superintendent of Public Instruction.

SEC. 1, ARTICLE IX, *as amended* 1862. A Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-three, and every four years thereafter, at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.

Dueling.

SEC. 2, ARTICLE XI. Any citizen of this State who shall, after the adoption of this Constitution fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it; or who shall act as a second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

Oath of Office.

SEC. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempt, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of —— according to the best of my ability. And no other oath, declaration, or test shall be required as qualification for any office or public trust.

New Offices and Officers.

SEC. 6. All officers whose election or appointment is not provided for by this Constitution, and all officers whose of-

office may hereafter be created by law, shall be elected by the people, or appointed as the Legislature may direct.

Terms of Office.

SEC. 7. When the duration of any office is not provided for by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office, not fixed by this Constitution, ever exceed four years.

Right of Suffrage.

SEC. 18. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

Absence of Residents.

SEC. 19. Absence from this State, on business of the State, or of the United States, shall not affect the question of residence of any person.

Plurality Vote.

SEC. 20. A plurality of the votes given at an election shall constitute a choice where not otherwise directed in this Constitution.

EXTRACTS FROM
POLITICAL CODE AND LAWS
OF THE
STATE OF CALIFORNIA.

PRELIMINARY PROVISIONS.

PERSONS COMPOSING THE PEOPLE OF THE STATE.

POLITICAL RIGHTS AND DUTIES OF ALL PERSONS SUBJECT
TO THE JURISDICTION OF THE STATE.

CHIEF POLITICAL DIVISIONS OF THE STATE.

PUBLIC OFFICERS.

OF ELECTIONS.

GOVERNMENT OF COUNTIES.

GOVERNMENT OF CITIES.

ELECTIONS FOR OFFICERS FOR THE CITY AND COUNTY OF
SAN FRANCISCO.

EXTRACTS FROM PENAL CODE.

EXTRACTS FROM CODE OF CIVIL PROCEDURE.

ORDER NO. 1369 OF THE BOARD OF SUPERVISORS OF THE
CITY AND COUNTY OF SAN FRANCISCO.

PRELIMINARY PROVISIONS.

Holidays.

SEC. 10. Holidays, within the meaning of the Code, are:
Every Sunday, the first day of January, the twenty-second
day of February, the fourth of July, the twenty-fifth day of
December, every day on which an election is held through-
out the State, and every day appointed by the President of
the United States, or by the Governor of this State, for
a public fast, thanksgiving or holiday.

[See Act of March 7, 1876, page 142, *post page* .]

TITLE II.

PERSONS COMPOSING THE PEOPLE OF THE
STATE.

SECTION 50. Who are the people.

51. Who are citizens.

52. Residence.

Who are the People.

SEC. 50. The people, as a political body, consist:

1. Of citizens who are electors.
2. Of citizens not electors.

Who are Citizens.

SEC. 51. The citizens of the State are:

1. All persons born in this State and residing within it, except the children of transient alien and of alien public Ministers and Consuls.

2. All persons born out of this State who are citizens of the United States and residing within this State.

NOTE.—See Constitution U. S., Art. 14, § 1, page 6, Ante. R. S. U. S., § 1992, page 26, Ante.

Residence.

SEC. 52. Every person has, in law, a residence. In determining the place of residence the following rules are to be observed:

1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose.

2. There can only be one residence.

3. A residence cannot be lost until another is gained.

4. The residence of the father during his life, and after his death the residence of the mother while she remains unmarried, is the residence of the unmarried minor child.

5. The residence of the husband is the residence of the wife.

6. The residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian.

7. The residence can be changed only by the union of act and intent.

NOTE.—See Secs. 1239 and 1240 Pol. Code. *post page* .

TITLE III.

POLITICAL RIGHTS. AND DUTIES OF ALL PERSONS SUBJECT TO THE JURIS- DICTION OF THE STATE.

SECTION 54. Jurisdiction and protection.

55. Allegiance.

56. Allegiance may be renounced.

57. Persons not citizens.

58. Eligibility to office.

59. Rights and duties of citizens not electors.

60. Rights and duties of citizens of other States.

Jurisdiction and Protection.

SEC. 54. Every person, while within this State, is subject to its jurisdiction and entitled to its protection.

Allegiance.

SEC. 55. Allegiance is the obligation of fidelity and obedience which every citizen owes to the State.

Allegiance may be Renounced.

SEC. 56. Allegiance may be renounced by a change of residence.

Persons not Citizens.

SEC. 57. Persons in the State, not its citizens, are either:

1. Citizens of other States ; or,
2. Aliens.

Eligibility to Office.

SEC. 58. Every elector is eligible to the office for which he is an elector, except where otherwise specially provided; and no person is eligible who is not such an elector.

NOTE.—Women Eligible to Educational Offices. See Act of March 12, 1874, page 356, *post page* .

Rights and Duties of Citizens not Electors.

SEC. 59. An elector has no rights or duties beyond those of a citizen not an elector, except the right and duty of holding and electing to office.

Rights and Duties of Citizens of other States.

SEC. 60. A citizen of the United States, who is not a citizen of this State, has the same rights and duties as a citizen of this State not an elector.

CHIEF POLITICAL DIVISIONS OF THE STATE.

COUNTIES, VOTE, ETC.

CONGRESSIONAL DISTRICTS.

SENATORIAL AND ASSEMBLY DISTRICTS.

ELECTION OF SENATORS AND ASSEMBLYMEN.

JUDICIAL DISTRICTS.

TITLE I.

OF COUNTIES.

Definition of County.

SEC. 3901. A county is the largest political division of the State having corporate powers.

NOTE.—The boundaries of the counties, as contained in Political Code Secs. 3902 to 3958 inclusive, are omitted, being too redundant for this work.

Names of Counties, Vote, Etc.

A table showing the names of Counties and vote cast at the Presidential election of 1876:

Congres- sional Districts.	Senatorial & Assembly Districts	Judicial Districts.	COUNTIES.	Hayes.	Tilden.
2	14	3	Alameda.....	4,940	3,348
2	23	16	Alpine.....	110	65
2	16	11	Amador.....	1,172	1,315
3	26	2	Butte.....	1,665	1,635
2	17	11	Calaveras.....	886	936
3	29	10	Colusa.....	766	1,469
2	15	15	Contra Costa....	1,184	838
3	27	8	Del Norte.....	186	228
2	23	11	El Dorado.....	1,331	1,441
4	4	13	Fresno.....	338	968
3	27	8	Humboldt.....	1,637	1,127
4	4	16	Inyo.....	343	375
4	4	16	Kern.....	556	844
3	20	7	Lake.....	380	703
3	26	21	Lassen.....	256	227
4	2	17	Los Angeles.....	3,042	3,616
3	15	22	Marin.....	651	619
4	5	13	Mariposa.....	365	554
3	27	22	Mendocino.....	929	1,283
4	5	13	Merced.....	558	804
3	28	21	Modoc.....	208	322
4	4	16	Mono.....	153	125
4	6	20	Monterey.....	1,183	1,012
3	20	7	Napa.....	1,153	965
2	24	14	Nevada.....	2,300	1,905
2	22	14	Placer.....	1,610	1,278
3	26	21	Plumas.....	584	502
2	18	6	Sacramento.....	3,839	2,485
4	6	20	San Benito.....	435	664
4	1	18	San Bernardino.....	674	607
4	1	18	San Diego.....	794	668
1	8, 9, 10, 11, 12, 13	3, 4, 12, 15, 19	San Francisco.....	21,172	20,399
2			San Joaquin....	2,272	1,850
4			San Luis Obispo.....	772	944
4	8	12	San Mateo.....	871	696
4	3	1	Santa Barbara.....	1,174	744
4	7	20	Santa Clara....	3,336	3,065
4	6	20	Santa Cruz.....	1,537	1,132
3	28	9	Shasta.....	625	641
3	24	10	Sierra.....	917	511
3	28	9	Siskiyou.....	718	861
3	19	7	Solano.....	1,952	1,753
3	21, 20	22	Sonoma.....	2,432	2,907
4		5	Stanislaus.....	802	1,097
3	5	10	Sutter.....	550	553
3	25	2	Tehama.....	646	675
3	29	9	Trinity.....	388	408
4	4	13	Tulare.....	986	1,370
2	17	5	Tuolumne.....	809	917
4	3	1	Ventura.....	608	591
3	19	6	Yolo.....	1,233	1,360
3	25	10	Yuba.....	1,251	1,076
TOTAL.....				79,265	76,564

NOTE.—In many cases the same Senatorial and Assembly District contains more than one county. This is also true as to Judicial Districts.

CONGRESSIONAL DISTRICTS OF CALIFORNIA.

Congressional Districts.

Vote of Congressional Districts.

I, II, III and IV Congressional Districts.

“AN ACT to divide the State into Congressional Districts,” (Approved March 30, 1872, page 714.)

SEC. 1. For the purpose of electing Representatives to the Congress of the United States, the State is hereby divided into Districts, as follows:

First Congressional District.

SEC. 2. The First District shall be composed of the city and county of San Francisco.

Second Congressional District.

SEC. 3. The Second District shall be composed of the counties of Contra Costa, Alameda, San Joaquin, Calaveras, Amador, El Dorado, Sacramento, Placer, Nevada, Alpine and Tuolumne.

Third Congressional District.

SEC. 4. The Third District shall be composed of the counties of Marin, Sonoma, Napa, Lake, Solano, Yolo, Sutter, Yuba, Sierra, Butte, Plumas, Lassen, Tehama, Colusa, Mendocino, Humbolt, Trinity, Shasta, Siskiyou, *Klamath and Del Norte.

* NOTE.—Klamath county was abolished by Act of March 28, 1874, page 755.

Fourth Congressional District.

SEC. 5. The Fourth District shall be composed of the counties of San Diego, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, Tulare, Monterey, Fresno, Kern, Merced, Mariposa, Stanislaus, Santa Clara, Santa Cruz, San Mateo, Mono, and Inyo.

Congressional Vote.

Table showing the vote of Congressional Districts at the election 1876:

Districts.	Republican.	Democratic.	Majority.
I.	Horace Davis.....22,114	W. A. Piper.....19,363	Rep.... 2,751
II.	H. F. Page.....20,815	A. D. Carpenter..15,916	Rep....4,899
III.	Joseph McKenna..18,990	J. K. Luttrell....19,846	Dem.... 856
IV.	R. Pacheco.....19,104	P. D. Wigginton..19,103	Rep. ... 1
Total.....	81,023	74,228	Rep....6,795

SENATORIAL AND ASSEMBLY DISTRICTS.

First to twenty-ninth inclusive.

“AN ACT to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.” (Approved March 16, 1874, page 366.)

First Senatorial and Assembly District.

SEC. 1. The counties of San Diego and San Bernardino shall be the First Senatorial District, and shall elect one Senator; and each of said counties shall elect one member of the Assembly.

Second Senatorial and Assembly District.

SEC. 2. The county of Los Angeles shall be the Second Senatorial District, and shall elect one Senator and two members of the Assembly.

Third Senatorial and Assembly District.

SEC. 3. The counties of Ventura, Santa Barbara and San Luis Obispo shall be the Third Senatorial District, and shall elect one Senator. Ventura and Santa Barbara jointly shall elect one member of the Assembly, and San Luis Obispo shall elect one member of the Assembly.

Fourth Senatorial and Assembly District.

SEC. 4. The counties of Tulare, Inyo, Fresno, Mono, and Kern, shall be the Fourth Senatorial District, and shall elect one Senator; Fresno shall elect one member of the Assembly. Tulare and Kern shall elect jointly one member of the Assembly; and Mono and Inyo shall elect jointly one member of the Assembly.

Fifth Senatorial and Assembly District.

SEC. 5. The counties of Mariposa, Merced and Stanislaus shall be the Fifth Senatorial District, and shall elect one Senator. Mariposa and Merced shall jointly elect one member of the Assembly, and Stanislaus shall elect one member of the Assembly.

Sixth Senatorial and Assembly District.

SEC. 6. The counties of Santa Cruz, Monterey and San Benito shall be the Sixth Senatorial District, and shall elect jointly one Senator; and each of said counties shall elect one member of the Assembly.

Seventh Senatorial and Assembly District.

SEC. 7. The county of Santa Clara shall be the Seventh Senatorial District, and shall elect two Senators and three members of the Assembly.

Eighth Senatorial and Assembly District.

SEC. 8. The city and county of San Francisco, and the County of San Mateo, shall be the Eighth Senatorial District, and shall elect one Senator; the county of San Mateo shall elect one member of the Assembly.

Ninth Senatorial and Assembly District.

SEC. 9. That portion of the city and county of San Francisco, bounded and described as follows, to wit: Commencing at a point where the southerly line of the United States Military Reservation, known as the "Presidio Reservation," intersects with the waters of the Pacific ocean; thence meandering along the waters of said ocean and the waters of the Bay of San Francisco northerly, easterly, and southerly, to the point where Washington street intersects with said bay; thence westerly along said Washington street to its intersection with First avenue; thence northerly along said avenue to its intersection with the southerly boundary line of the said "Presidio Reservation;" thence westerly, and along the southerly boundary line of said "Presidio Reservation" to its intersection with the Pacific ocean and the point of beginning; shall be the Ninth Senatorial District, and shall elect two Senators and four members of the Assembly.

Tenth Senatorial and Assembly District.

SEC. 10. That portion of the city and county of San Francisco bounded and described as follows, to wit: Commencing at a point where the southerly boundary line of the "Presidio Reservation" intersects with the waters of the Pacific ocean; thence easterly and along the southerly boundary line of said "Presidio Reservation" to the point where First avenue intersects with said boundary line; thence southerly along said First avenue to the point where Washington street intersects with said First avenue; thence easterly along said Washington street to its intersection with the waters of the Bay of San Francisco; thence southerly along the line of said Bay to the point of intersection of Market street with said Bay; thence westerly along said Market street to the point where Geary street intersects with said Market street; thence westerly along said Geary street to

where it connects with the Point Lobos toll-road; thence along said Point Lobos toll-road and said toll road produced in a direct line to the Pacific ocean; thence northerly along said ocean to the point of beginning; shall be the Tenth Senatorial District, and shall elect two Senators and four members of the Assembly.

Eleventh Senatorial and Assembly District.

SEC. 11. That portion of the city and county of San Francisco bounded and described as follows, to wit: Commencing at a point on the line of Market street where Fourth street intersects with said Market street; thence easterly and along said Market street to the waters of the Bay of San Francisco; thence southerly and southwesterly along the line of the waters of said Bay to a point where Fourth street intersects with said Bay; thence northerly along the line of said Fourth street to the point of beginning; shall be the Eleventh Senatorial District, and shall elect two Senators and four members of the Assembly.

Twelfth Senatorial and Assembly District.

SEC. 12. That portion of the city and county of San Francisco bounded and described as follows, to wit: Commencing at the intersection of Larkin and Geary streets, and running thence easterly along said Geary street to its intersection with Market street; thence southwesterly along the line of said Market street to the point of intersection of Fourth street with said Market street; thence southerly along said Fourth street to the point of its intersection with Channel street; thence southwesterly along said Channel street to the point of its intersection with Eighth street; thence northerly along said Eighth street to the point of its intersection with Market street; thence southwesterly along said Market street to the point of the intersection of Larkin street with said Market street; thence northerly along said Larkin street to the point of beginning; shall be the Twelfth Senatorial District, and shall elect two Senators and four members of the Assembly.

Thirteenth Senatorial and Assembly District.

SEC. 13. That part of the city and county of San Francisco bounded and described as follows, to wit: Commencing at a point where the Point Lobos toll-road, produced in a direct line westerly, intersects with the waters of the Pacific ocean, and running thence easterly along said Point Lobos toll-road to the point of its connection with Geary street;

thence along said Geary street easterly to its intersection with Larkin street; thence southerly along said Larkin street to the point of its intersection with Market street; thence northeasterly along said Market street to the point where Eighth street intersects with said Market street; thence southeasterly along said Eighth street to its intersection with Channel street; thence northeasterly along said Channel street to the point of its intersection with Fourth street; thence southeasterly along said Fourth street to the point of its intersection with the Bay of San Francisco; thence southerly along the line of the waters of said bay to the point of intersection of the boundary line between the city and county of San Francisco and the county of San Mateo with the waters of said bay; thence westerly along said boundary line to the point of its intersection with the Pacific ocean; thence northerly along the line of said ocean to the point of beginning; shall be the Thirteenth Senatorial District, and shall elect two Senators and four members of the Assembly.

Fourteenth Senatorial and Assembly District.

SEC. 14. The county of Alameda shall be the Fourteenth Senatorial District, and shall have two Senators and three members of the Assembly.

Fifteenth Senatorial and Assembly District.

SEC. 15. The counties of Contra Costa and Marin shall be the Fifteenth Senatorial District, and shall elect one Senator; and each of said counties shall elect one member of the Assembly.

Sixteenth Senatorial and Assembly District.

SEC. 16. The counties of San Joaquin and Amador shall be the Sixteenth Senatorial District; San Joaquin shall elect one Senator, and, jointly, with Amador, shall elect one Senator; San Joaquin shall elect three members of the Assembly, and Amador shall elect two members of the Assembly.

Seventeenth Senatorial and Assembly District.

SEC. 17. The counties of Tuolumne and Calaveras shall be the Seventeenth Senatorial District, and shall elect one Senator, and each of said counties shall elect one member of the Assembly.

Eighteenth Senatorial and Assembly District.

SEC. 18. The county of Sacramento shall be the Eigh-

teenth Senatorial District, and shall elect two Senators and three members of the Assembly.

Nineteenth Senatorial and Assembly District.

SEC. 19. The counties of Solano and Yolo shall be the Nineteenth Senatorial District; Solano shall elect one Senator and two members of the Assembly; Yolo shall elect one member of the Assembly, and, jointly, with Solano, shall elect one Senator.

Twentieth Senatorial and Assembly District.

SEC. 20. The counties of Napa, Lake and Sonoma shall constitute the Twentieth Senatorial District, and shall elect one Senator; and Napa and Lake counties shall each elect one member of the Assembly.

Twenty-first Senatorial and Assembly District.

SEC. 21. The county of Sonoma shall be the Twenty-first Senatorial District, and shall elect one Senator and three members of the Assembly.

Twenty-second Senatorial and Assembly District.

SEC. 22. The county of Placer shall be the Twenty-second Senatorial District, and shall elect one Senator and one member of the Assembly.

Twenty-third Senatorial and Assembly District.

SEC. 23. The counties of El Dorado and Alpine shall be the Twenty-third Senatorial District, and shall elect one Senator; the county of El Dorado shall elect one member of the Assembly; and the counties of El Dorado and Alpine shall, jointly, elect one member of the Assembly.

Twenty-fourth Senatorial and Assembly District.

SEC. 24. The counties of Nevada and Sierra shall be the Twenty-fourth Senatorial District; Nevada shall elect one Senator and three members of the Assembly; Sierra shall elect one member of the Assembly and one Senator, jointly, with Nevada.

Twenty-fifth Senatorial and Assembly District.

SEC. 25. The counties of Yuba and Sutter shall be the Twenty-fifth Senatorial District, and shall elect one Senator; Yuba shall elect two members of the Assembly, and Sutter shall elect one member of Assembly.

Twenty-sixth Senatorial and Assembly District.

SEC. 26. The counties of Butte, Plumas and Lassen shall be the Twenty-sixth Senatorial District, and shall elect one Senator; Butte shall elect two members of the Assembly, and Plumas and Lassen shall, jointly, elect one member of the Assembly.

Twenty-seventh Senatorial and Assembly District.

SEC. 27. The counties of Mendocino, Humboldt, Klamath and Del Norte shall be the Twenty-seventh Senatorial District, and shall elect one Senator; Humboldt and Mendocino shall each elect one member of the Assembly, and Klamath and Del Norte shall, jointly, elect one member of the Assembly.

Twenty-eighth Senatorial and Assembly District.

SEC. 28. The counties of Siskiyou, Modoc, Trinity and Shasta shall be the Twenty-eighth Senatorial District, and shall elect, jointly, one Senator; Siskiyou and Modoc shall elect, jointly, one member of the Assembly; Trinity and Shasta shall elect, jointly, one member of the Assembly.

Twenty-ninth Senatorial and Assembly District.

SEC. 29. The counties of Colusa and Tehama shall be the Twenty-ninth Senatorial District, and shall elect one Senator and one member of the Assembly.

ELECTION OF SENATORS AND ASSEMBLYMEN.

Of Elections.

SEC. 30. At the general election to be held in the year eighteen hundred and seventy-five, and every four years thereafter, there shall be elected in the First, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Fourteenth, Fifteenth, Sixteenth, Eighteenth, Nineteenth, Twentieth, Twenty-seventh and Twenty-ninth Districts, one Senator each, and in the Twelfth and Thirteenth Districts two Senators each.

SEC. 31. At the general election to be held in the year eighteen hundred and seventy-seven, and every four years thereafter, there shall be elected in the Second, Third, Fourth, Seventh, Ninth, Tenth, Eleventh, Fourteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twenty-first, Twenty-second, Twenty-third, Twenty-fifth, Twenty-sixth

and Twenty-eighth Districts, one Senator each, and in the Twenty-fourth District two Senators.

SEC. 32. At the general election to be held in the year eighteen hundred and seventy-five, and every two years thereafter, members of the Assembly shall be elected in the several Districts and counties of the State as is provided in this Act.

JUDICIAL DISTRICTS.

First to Twenty-second Judicial Districts.

SEC. 125. This State is divided into seventeen (twenty-two*) Judicial Districts, arranged as described in this chapter.

*See Supplemental Acts.

First Judicial District.

SEC. 126. The First Judicial District consists of the counties of Santa Barbara and San Luis Obispo (and Ventura†.)

†The county of Ventura was added to the First Judicial District by "An Act, to create the county of Ventura to establish the boundaries thereof, and to provide for its organization." (Approved March 22, 1872, page 484.)

Second Judicial District.

SEC. 127. The Second, of the counties of Tehama (and Butte.* * *)

NOTE.—Plumas and Lassen counties were subtracted from Second Judicial District, and included in Twenty-first Judicial District, by "An Act to create the Twenty-first Judicial District." (Approved February 15, 1876, page 58.)

Third Judicial District.

SEC. 2.† The Third Judicial District shall be composed of the county of Alameda, and all that portion of the city and county of San Francisco described as follows: Commencing at the eastern boundary line of said city and county, at a point in a line with the centre of Market street; thence southerly along the centre line of Market street to its intersection with the easterly line of Kearny street; thence northerly along said eastern line of Kearny street to the centre of California street; thence easterly along the centre line of California street to the northerly line of Market street; thence easterly along the northerly line of Market street and in the same course to the eastern boundary of said city and

†Of "An Act creating the Nineteenth and Twentieth Judicial Districts and defining the Third, Fourth, Twelfth and Fifteenth Judicial Districts." (Approved March 8, 1872, page 301.)

county; thence southerly along said eastern boundary of the city and county of San Francisco to the place of commencement.

Fourth Judicial District.

SEC. 5.* The Fourth Judicial District shall be composed of all that portion of the city and county of San Francisco described as follows: Commencing at the western boundary of said city and county, at a point in a line with the centre of Ridley street; thence easterly and along the centre of Ridley street to the centre of Market street; thence northeasterly and along the centre of Market street to a point in a line with the centre of Larkin street; thence northerly along the centre of Larkin street to the centre of Washington street; thence easterly along the centre of Washington street to the centre of Kearny street; thence southerly along the centre of Kearny street to a point in a line with the north side of the City Hall or Court House; thence easterly to and along the northern line of the City Hall or Court House, sixty-five feet from the eastern line of Kearny street; thence southerly at a right angle to the south line of said City Hall or Court House; thence at a right angle easterly along the south line of said building to the east line thereof; thence northerly along said east line of said building to a point eight inches north of the north line of said building; thence at a right angle westerly to the centre of Kearny street; thence northerly along the centre of Kearny street to the northern boundary of said city and county; thence westerly along the northern boundary and southerly along the western boundary of said city and county of San Francisco to the place of commencement.

*Of "An Act creating the Nineteenth and Twentieth Judicial Districts, and defining the Third, Fourth, Twelfth and Fifteenth Judicial Districts." (Approved March 8, 1872, page 301.)

Fifth Judicial District.

SEC. 130. The fifth, of the counties of San Joaquin, Tuolumne and Stanislaus.

Sixth Judicial District.

SEC. 131. The sixth, of the counties of Sacramento and Yolo.

Seventh Judicial District.

SEC. 132 as amended March 29, 1876. The seventh, of the counties of Napa, Lake and Solano.

Eighth Judicial District.

SEC. 133. The eighth, of the counties of Humboldt, Klamath* and Del Norte.

* NOTE—Klamath County was abolished by Act of March 30, 1874, page 755.

Ninth Judicial District.

SEC. 134. The ninth, of the Counties of Shasta, Trinity, and Siskiyou.

NOTE.—The County of Modoc was added to the Ninth Judicial District by "An Act to create the county of Modoc, to establish the boundaries thereof, and to provide for its organization." (Approved February 17, 1874: 1873-4, p. 124.) It was afterwards attached to the Twenty-first Judicial District, to which it now belongs, by An Act to create the Twenty-first Judicial District," Approved February 15, 1876: 1875-6, 58.

Tenth Judicial District.

SEC. 135. The tenth, of the Counties of Yuba, Sutter, Colusa, and Sierra.

Eleventh Judicial District.

SEC. 136. The eleventh, of the Counties of Calaveras, Amador and El Dorado.

Twelfth Judicial District.

SEC. 6.† The Twelfth Judicial District shall be composed of the County of San Mateo and all that portion of the City and county of San Francisco described as follows : Commencing at the western boundary of said city and county at a point in a line with the centre of Ridley street; thence running easterly in a line with and through the centre of Ridley street to the centre of Market street; thence easterly along the centre of Market street to a point in a line with the centre of Kearny street; thence northeasterly along the centre of Kearny street to a point in a line with the northern side of the City Hall or Court House; thence easterly and along the northern line of the City Hall or Court House to a point sixty-five feet from the eastern line of Kearny street; thence at a right angle southerly to the southern line of the City Hall or Court House; thence along the southern line of that building to the eastern line of Kearny street, thence southerly along the eastern line of Kearny street to the centre of Market street; thence northeasterly along the centre of Market street to the eastern boundary of the city and county of San Francisco; thence southerly along said

†Of An Act creating the Nineteenth, and Twentieth Judicial Districts, and defining the Third, Fourth, Twelfth and Fifteenth Judicial Districts. (Approved March 8, 1872, page 301.)

eastern boundary, and westerly along the southern boundary, and northerly along the western boundary to the place of commencement.

Thirteenth Judicial District.

SEC. 138. The thirteenth, of the Counties of Tulare, Fresno, Merced and Mariposa.

Fourteenth Judicial District.

SEC. 139. The fourteenth, of the Counties of Placer, and Nevada.

Fifteenth Judicial District.

SEC. 3* The Fifteenth Judicial District shall be composed of the county of Contra Costa, and all that portion of the city and county of San Francisco described as follows: Commencing at a point in the eastern boundary line of said city and county where the northern line of Market street protracted intersects the same; thence southwesterly and along the northern line of Market street to the centre of California street, thence westerly and along the centre of California street to the eastern line of Kearny street; thence northerly along the eastern line of Kearny street to the south line of the City Hall or Court House; thence easterly along the south line of said building to the southeast corner thereof; thence northerly along the east line of said building, and in the same direction, to a point eight inches north of the north line of said building; thence westerly and parallel with the north line of said building to the centre of Kearny street; thence northerly and along the centre of Kearny street to the northern boundary of said city and county; thence easterly and southerly along the boundary of said city and county to the place of beginning.

Sixteenth Judicial District.

SEC. 141. The sixteenth, of the counties of Alpine, Mono, Inyo and Kern.

Seventeenth Judicial District.

SEC. 1† * * * * * *
The county of Los Angeles shall remain, and hereafter constitute the Seventeenth Judicial District.

*Of "An Act creating the Nineteenth and Twentieth Judicial Districts, and defining the Third, Fourth, Twelfth and Fifteenth Judicial Districts:" (Approved March 8, 1872, page 301.)

†Of "An Act to create the Eighteenth Judicial District, and for other purposes." [Approved February 20, 1872, page 116.]

Eighteenth Judicial District.

SEC. 1* The Counties of San Diego and San Bernardino shall be hereafter known as, and constitute the Eighteenth Judicial District.

*Of "An Act to create the Eighteenth Judicial District, and for other purposes." (Approved February 20, 1872, page 116.)

Nineteenth Judicial District.

SEC. 4.† The Nineteenth Judicial District shall be composed of all that portion of the city and county of San Francisco described as follows: Commencing at a point in the centre of Market street in a line with the centre of Larkin street; thence running northerly and along the centre of Larkin street to a point in the centre of Washington street; thence easterly and along the centre of Washington street to the centre of Kearny street; thence southerly along the centre of Kearny street to the centre of Market street; thence southwesterly along the centre of Market street to the place of commencement.

Twentieth Judicial District.

SEC. 1.‡ The Twentieth Judicial District shall be composed of the counties of Monterey, Santa Cruz and Santa Clara.

† Of an Act creating the Nineteenth and Twentieth Judicial Districts, and defining the Third, Fourth, Twelfth and Fifteenth Judicial Districts. (Approved March 8, 1872, page 301.)

Twenty-first Judicial District.

SEC. 1.‡ The Twenty-first Judicial District is hereby created, and shall be composed of the counties of Modoc, Lassen and Plumas.

‡ Of "An Act to create the Twenty-first Judicial District." (Approved February 15, 1876, page 58.)

Twenty-second Judicial District.

SEC. 1.§ The Twenty-second Judicial District is hereby created, and shall be composed of the counties of Mendocino, Sonoma and Marin.

§ Of "An Act to create the Twenty-second Judicial District." (Approved March 29, 1876. page 618.)

PUBLIC OFFICERS.

CLASSIFICATION OF PUBLIC OFFICERS.

LEGISLATIVE OFFICERS.

EXECUTIVE OFFICERS.

JUDICIAL OFFICERS.

MINISTERIAL AND OTHER OFFICERS CONNECTED WITH THE
COURTS.GENERAL PROVISIONS RELATIVE TO DIFFERENT CLASSES OF
OFFICERS.

PART III.—TITLE I.

CLASSIFICATION OF PUBLIC OFFICERS.

SEC. 220. The public officers of this State are classified as follows:

1. Legislative.
2. Executive.
3. Judicial.
4. Ministerial officers and officers of the Courts.

But this classification is not to be construed as defining the legal powers of either class.

CHAPTER II.

LEGISLATIVE OFFICERS.

- ARTICLE I. Designation, term of office, and election of members.
- II. Meeting and organization of the Legislature.
 - VI. Contesting elections for members of the Legislature.
 - VII. Contesting elections for Governor or Lieutenant-Governor.

Number and Designation of Legislators.

SEC. 225. The Legislature consists of:

1. Forty Senators; and
2. Eighty members of the Assembly.

Term of Office.

SEC. 226. The term of office of a Senator is four years; of a member of the Assembly two years.

Election of Senators and Assemblymen.

SEC. 227.

NOTE.—See Secs. 30, 31, 32 of “An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.” [Approved March 16, 1874, page 336.] Page 76 ante.

ARTICLE II.*Meeting and Organization of the Legislature.*

Time and place of meeting.

Certificate of election entitles to seat.

Time and Place of Meeting.

SEC. 235. The Legislature must assemble at the seat of government on the first Monday in December, eighteen hundred and seventy-three, and on the first Monday in December every two years thereafter.

Certificate of Election Entitles to Seat.

SEC. 236, as amended March 30, 1874, page 3. The certificate of election is *prima facie* evidence of the right to membership.

ARTICLE VI.*Contesting Elections for Members of the Legislature.*

Who may contest.

Statement of cause of contest to be filed.

Commission to take testimony.

Notice to person interested, by whom served.

Compelling the attendance of witnesses.

Testimony, how taken.

Vacancy in commission, how filled.

Fees of officers.

Testimony to be transmitted to Secretary of State.

Depositions.

Further evidence.

Who may Contest.

SEC. 273. The right of any person declared elected to a seat in the Senate or Assembly may be contested by any qualified voter of the county or district to be represented by such Senator or Assemblyman.

Statement of Cause of Contest to be Filed.

SEC. 274, *as amended, approved March 30, 1874, page 4.* The person contesting such election must, within twenty days after the certificate of election is issued, file with the Clerk of the county, or one of the counties in which the alleged cause of contest originated, a statement of the grounds of contest, verified by his oath.

Commission to take Testimony.

SEC. 275. On the filing of such statement, the Clerk must issue a commission, directed to two Justices of the Peace of his county, to meet at a time and place specified in the commission, not less than twenty nor more than thirty days from the date thereof, for the purpose of taking the depositions of such witnesses as the parties to the contest may wish to examine.

Notice to Person Interested, by Whom Served.

SEC. 276. Written notice of such contest, specifying the time and place of taking depositions, and a copy of the statement certified by the Clerk, must be delivered to the person whose election is contested, or, if he cannot be found, left at the house where he last resided, by the Sheriff of the county in which such person claims his residence, within ten days after such statement is filed.

Compelling Attendance of Witnesses.

SEC. 277. Either of the Justices of the Peace have power to issue subpoenas for witnesses, at the request of either party, to be served by the Sheriff as other subpoenas; and such Justices, when met at the time and place appointed to take such depositions, have the same power to issue attachments and assess fines against witnesses as is given to Justices of the Peace in the trials of civil actions.

Testimony, how Taken.

SEC. 278. The Justices must meet at the time and place appointed, and take the depositions of witnesses produced by the parties, and may continue the examination from day to day, if necessary. When the examination is closed, they must seal up the depositions taken before them, together with the commission, and transmit the same by mail or express to the Clerk with whom the statement was filed.

Vacancy in Commission, how Filled.

SEC. 279. If, at any time, either of the Justices is unable

to proceed in such examination, the Clerk may supply the vacancy by designating any other Justice of the Peace of the county.

Fees of Officers.

SEC. 280. Officers performing services in a contested election case may charge and collect, from the party at whose instance such services were performed, the same fees as are allowed them for similar services in civil cases.

Testimony to be Transmitted to Secretary of State.

SEC. 281. The Clerk must seal up the depositions, the original statement, the copy of the notice served upon the party whose right is contested, and the commission issued to the Justices of the Peace, and transmit the same by mail to the Secretary of State, indorsing thereon the names of the contesting parties and the branch of the Legislature before which such contest is to be tried. The Secretary of State must deliver the same, unopened, to the presiding officer of the house in which such contest is to be tried, on or before the second day of the session of the Legislature next after taking such depositions; and such presiding officer must immediately give notice to the house that such papers are in his possession.

Depositions.

SEC. 282. At any time after notice of contest has been given, and before the trial thereof before the proper branch of the Legislature, either party may take depositions, to be read on the trial, in like manner and under the same rules as are allowed and required in the cases of depositions to be read on the trial of civil actions; and such depositions, when taken, must be sealed up by the officer taking the same, and directed to the Secretary of State, who must keep the same, unopened, and deliver them to the presiding officer of the house in which the contest is to be tried.

Further Evidence.

SEC. 283. The house before which the contest is pending may take such other evidence in the case as it deems material.

ARTICLE VII.

Contesting the Election for Governor or Lieutenant-Governor.

Who may contest.

Grounds of contest to be stated in petition.

Notice to Respondent.

Notice to Houses.

Trial Committee, how chosen.

Notice of choice.

Powers of Committee.

Judgment of Committee.

Who may Contest.

SEC. 288. Any elector of the State may contest the election of any person declared elected Governor or Lieutenant-Governor of the State of California.

Grounds of Contest to be Stated in Petition.

SEC. 289. Such elector may, within twenty days after the declaration of the result of the election, deliver to the presiding officer of each House of the Legislature a verified specification of the grounds of contest.

Notice to Respondent.

SEC. 290. As soon as the presiding officers have received the specifications they must make out a notice, in writing, directed to the person whose election is contested, and deliver the same to a Sergeant-at-Arms, who must serve such notice at once on the person therein named.

Notice to Houses.

SEC. 291. The presiding officers must also immediately give notice to their respective Houses that such specifications have been received.

Trial Committee, how Chosen.

SEC. 292. Each House must at once choose seven members of its own body, in the following manner:

1. The names of the members, except the Speaker of the Assembly, written on similar paper tickets, must be placed in a box.

2. The Secretary of the Senate, in the presence of the Senate, and the Clerk of the Assembly, in the presence of the House, must draw from their respective boxes the names of seven members of each.

Notice of Choice.

SEC. 293. As soon as the names are drawn, notice of the names of members drawn in one House must be given to the other, and the names of the fourteen members drawn must be entered on the Journals of each House.

Powers of Committee.

SEC. 294. The members thus selected constitute a Committee to try such contested election, and for that purpose must hold their meetings publicly at the Seat of Government at such time and place as they may designate, and may adjourn from day to day, or to a day certain, until such trial is determined. They have power to send for persons and papers, and to take all necessary means to procure testimony, extending like privileges to each party to the contest. They must report their judgment in the premises to both Houses of the Legislature, which report must be entered upon the Journals.

Judgment of Committee.

SEC. 295. The judgment of the Committee thus reported is final and conclusive.

CHAPTER III.

EXECUTIVE OFFICERS.

ARTICLE II.

The Mode of Election or Appointment and term of Office of Civil Executive Officers.

Election of Governor and other officers.
State Printer.

Election of Governor and other Officers.

SEC. 348. The mode of election of the Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General and Superintendent of Public Instruction, is prescribed by the Constitution.

State Printer.

SEC. 349. * * * * *

SEC. 14.* The office of State Printer is hereby abolished. * *

*Of An Act to establish a State Printing Office, and to create the office of Superintendent of State Printing. (Approved March 26, 1872, page 554.)

Appointment of Qualifications of Superintendent of State Printing.

SEC. 530, *as amended April 3, 1876, page 18.* The Superintendent of State Printing shall be appointed and commissioned by the Governor of the State, and shall hold office during the pleasure of the Governor. * *

JUDICIAL OFFICERS.

SEC. 726. The number, designation and mode of election of judicial officers are fixed in Title I, Part I of the Code of Civil Procedure, Secs. 33 to 121. (See *pages 88, 89 post.*)

Justices of Supreme Court.

District Judges.

County Judges.

The Probate Judge of the city and county of San Francisco.

The Judge of the Municipal Criminal Court of the city and county of San Francisco.

The Judge of the City Criminal Court of the city and county of San Francisco.

Justices of the Peace.

Police Judges.

Justices of the Supreme Court.

SEC. 40. The Supreme Court consists of a Chief Justice and four Associate Justices, elected at the judicial elections, and holding their offices for the term of ten years from the first day of January next after their election.

District Court in each District.

SEC. 55. There must be a district court held in each of the judicial districts.

District Judges, Election and Terms of.

SEC. 56. The judge thereof is elected by the electors of the district, at the judicial elections, and holds his office for the term of six years from the first day of January next succeeding his election.

County Judges, Election and Terms of.

SEC. 83. The County Judge is elected by the electors of the county, at the judicial elections, and holds his office for the term of four years from the first day of January next succeeding his election.

Judges of Probate Court.

SEC. 95. The County Judge of each county, except in

the city and county of San Francisco, is the Judge of the Probate Court.

Probate Judge of San Francisco.

SEC. 96. In the city and county of San Francisco the Probate Court is held by a Probate Judge elected by the electors thereof, at the judicial election, and who holds his office for the term of four years from the first day of January next succeeding his election.

Municipal Criminal Court—This Court Continued.

SEC. 104. The Court known as the "Municipal Criminal Court of San Francisco," is hereby continued, with the jurisdiction conferred by this chapter.

Judge of Municipal Criminal Court, Election and Term.

SEC. 105. The Judge thereof is elected by the electors of the city and county of San Francisco, and holds his office for the term of four years from the first day of January next succeeding his election.

Judge of the City Criminal Court of the City and County of San Francisco.

SEC. 3.* A judge of the City Criminal Court shall be elected at the judicial election to be held in eighteen hundred and seventy-seven, and every four years thereafter, whose term of office shall be four years. * *

*Of "An Act to create a City Criminal Court, in and for the city and county of San Francisco, to define its power and jurisdiction." (Approved April 3, 1876, page 829.)

Justices of the Peace—Election and Term.

SEC. 113. Justices of the Peace are elected by the electors of their respective townships or cities, at the judicial elections, and hold their offices for two years from the first day of January next following their election.

NOTE. See Act of March 30, 1872, page 758, as to Justice's Court, city and county of San Francisco.

Police Judges.

SEC. 121. Police Courts are established in incorporated cities and towns, and their organization, jurisdiction and powers provided for in the Political Code, Part IV. (See ante 4424.)

CHAPTER VI.

ARTICLE I.

MINISTERIAL AND OTHER OFFICERS CONNECTED WITH THE COURTS.

Election of Clerk of Supreme Court.

SEC. 749. The Clerk of the Supreme Court is elected at the same time the Governor is elected, and holds his office for the term of four years from and after the first Monday in December next succeeding his election.

CHAPTER VII.

GENERAL PROVISIONS RELATING TO DIFFERENT CLASSES OF OFFICERS.

ARTICLE I. Qualification for Civil Office.

IV. Appointment and Duration of Terms.

X. Resignations, Vacancies, and the Mode of supplying them.

ARTICLE I.

Qualifications for Civil Office.

Age and Citizenship.

Women Eligible to Educational Offices.

Other Qualifications.

Age and Citizenship.

SEC. 841. No person is capable of holding a civil office who, at the time of his election or appointment, is not of the age of twenty-one years and a citizen of this State.

Women Eligible.

SEC. 1*. Women, over the age of twenty-one years, who are citizens of the United States and of this State, shall be eligible to all educational offices within the State, except those from which they are excluded by the Constitution.

*An Act to make women eligible to educational offices. (Approved March 12, 1874, page 356.)

Other Qualifications.

SEC. 842. Provisions respecting disqualification for particular offices are contained in the Constitution and in the provisions of the Codes concerning the various offices.

Appointment and Duration of Terms Holding Over.

SEC. 879. Every officer must continue to discharge the duties of his office, although his term has expired, until his successor has qualified.

ARTICLE X.

Resignations, Vacancies and the Mode of Supplying Them.

Vacancy in Legislature and how filled.

Vacancies, how filled when not otherwise provided for.

Vacancies occurring during session of Legislature.

Vacancies in certain State offices, how filled.

Vacancy in office of Harbor Commissioner or Superintendent of Public Instruction.

Vacancy in Legislature, how Filled.

SEC. 998. Whenever a vacancy occurs in either House of the Legislature the Governor must at once issue a writ of election to fill such vacancy.

Vacancies, how Filled when not Otherwise Provided for.

SEC. 999. When any office becomes vacant, and no mode is provided by law for filling such vacancy, the Governor must fill such vacancy by granting a commission, to expire at the end of the next session of the Legislature or at the next election by the people.

Vacancies Occurring during Sessions of Legislature.

SEC. 1000. Vacancies occurring in office during the recess of the Legislature, the appointment to which is vested in the Governor and Senate, or in the Legislature, must be filled by appointment made by the Governor; but the person so appointed can only hold the office until the adjournment of the next session of the Legislature.

Vacancies in Certain State Offices, how Filled.

SEC. 1001, *as amended April 1, 1876, page 23.* A vacancy in the office of either the Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, or Clerk of the Supreme Court, must be filled by a person appointed by the Governor, who shall hold his office for the balance of the unexpired term.

Vacancy in Office of Harbor Commissioner or Superintendent of Public Instruction.

SEC. 1002. A vacancy in the office of either the Superintendent of Public Instruction or State Harbor Commissioner must be filled by a person appointed by the Governor.

PART III, TITLE II.

OF ELECTIONS.

CHAPTER I. GENERAL PROVISIONS RELATING TO ELECTIONS. SECS.
1041-1073.

- CHAPT. II. QUALIFICATIONS AND DISABILITIES OF ELECTORS. Secs. 1083–1084.
- III. REGISTRATION OF ELECTORS. Secs. 1094–1117.
- IV. ELECTION PRECINCTS. Secs. 1127–1132.
- V. BOARDS OF ELECTION. Secs. 1142–1150.
- VI. OPENING AND CLOSING THE POLLS. Secs. 1160–1164.
- VII. POLL LISTS. Secs. 1174–1175.
- VIII. ELECTION TICKETS AND BALLOTS. Secs. 1185–1212.
- IX. VOTING AND CHALLENGES. Secs. 1224–1243.
- X. CANVASSING AND RETURNING THE VOTES. Secs. 1252–1268.
- XI. CANVASSING OF RETURNS—DECLARATION OF RESULT—COMMISSIONS AND CERTIFICATES OF ELECTION. Secs. 1278–1297.
- XII. ELECTIONS FOR ELECTORS OF PRESIDENT AND VICE-PRESIDENT. Secs. 1307–1322.
- XIII. ELECTIONS FOR MEMBERS OF CONGRESS. Secs. 1332–1333.
- XIV. PRIMARY ELECTIONS. Secs. 1367–1365.

CHAPTER I.

General Provisions Relating to Elections.

- ARTICLE I. Time of Holding Elections.
- II. Election Proclamations.
- III. Miscellaneous Provisions.

ARTICLE I.

Time of Holding Elections.

- SECTION 1041. General election, when to be held
1042. Judicial election, when to be held.
1043. Special elections, when to be held.

General Election, when to be Held.

SEC. 1041. There must be held throughout the State, on the first Wednesday in September, in the year eighteen hundred and seventy-three, and in every second year thereafter, and also on the Tuesday next after the first Monday of November, in each bissextile or leap year, an election to be known as the General Election.

NOTE.—For Election of Representatives in Congress see R. S. U. S. § 25, page 12, ante.

Judicial Election, when to be Held.

SEC. 1042. There must be held throughout the State, on

the third Wednesday in October, in the year eighteen hundred and seventy-three, and in every second year thereafter, an election to be known as the Judicial Election.

NOTE.—For Election of Superintendent of Public Instruction see Const. Cal., Art. 9, § 1, page 64, Ante.

Special Elections, when to be Held.

SEC. 1043. Special elections are such as are held to supply vacancies in any office, and are held at such times as may be designated by the proper Board or officer.

NOTE.—Special elections and Proclamations by the Governor.

KENFIELD	}	No. 5572. Supreme Court of Cal.
VS.		
IRWIN, GOVERNOR OF THE STATE.		

1. A general election is an election held to select an incumbent after the expiration of the full term of the former incumbent.

2. A special election is an election held to supply a vacancy in office occurring before the expiration of the full term for which the incumbent was elected.

3. It is essential to the validity of any popular election—whether general or special—that the *time* at which the same is to be holden should be authoritatively designated in advance, and unless such designation has been made, the election is void.

4. In *general* elections the time is designated by the provisions of the statute itself; in *special* elections the time must be designated by the proclamation or order of the proper board or officer.

5. A *special* election for the office of Controller of State held without the Executive proclamation made in advance of the election designating the time at which such election is to be holden, is void.

ARTICLE II.

Election Proclamations.

SECTION 1053. Election proclamations by the Governor.

1054. Governor's proclamation, what to contain.

1055. Supervisors must publish proclamation, etc.

1056. Election proclamation by Supervisors.

Election Proclamations by the Governor.

SEC. 1053. At least thirty days before each general or judicial election, and whenever he orders a special election, the Governor must issue an election proclamation, under his hand and the great seal of the State, and transmit copies thereof to the Board of Supervisors of the counties in which such elections are to be held.

Governor's Proclamation, what to Contain.

SEC. 1054. Such proclamation must contain:

1. A statement of the time of election and of the offices to be filled.

2. An offer of rewards in the following form: "And I do hereby offer a reward of one hundred dollars for the arrest and conviction of any and every person violating any

of the provisions of Title IV, Part I, of the Penal Code; such rewards to be paid until the total amount hereafter expended for the purpose reaches the sum of ten thousand dollars." (See Sec. 41, Penal Code.

Supervisors must Publish Proclamation, etc.

SEC. 1055, *as amended March 15, 1876.* The Board of Supervisors, upon receipt of such proclamation, may, in their discretion, cause a copy of the same to be published in some newspaper printed in the county (if any), and to be posted at each place of election, at least ten days' before the election, or may cause written or printed notices of the election to be posted at each election precinct, at least ten days before the election.

Election Proclamations by Supervisors.

SEC. 1056. Whenever a special election is ordered by the Board of Supervisors, they must issue an election proclamation, containing the statement provided for in Subdivision one of Section one thousand and fifty-four, and must publish and post it in the same manner as proclamations issued by the Governor.

ARTICLE III.

Miscellaneous Provisions.

SECTION 1066. Plurality to elect.

1067. Proceedings on a tie vote other than for Governor or Lieutenant-Governor.

1068. Same, on tie vote for Governor or Lieutenant-Governor.

1069. Electors privileged from arrest, when.

1070. Electors exempt from militia duty, when.

1071. No fees for certificate of registration.

1072. Compensation of officers of election.

1073. Supervisors to have blanks prepared.

Plurality to Elect.

SEC. 1066. The person receiving, at any election, the highest number of votes for any office to be filled at such election is elected thereto.

Proceedings on a Tie Vote other than for Governor or Lieutenant-Governor.

SEC. 1067. If, at any election except that for Governor or Lieutenant-Governor, two or more persons receive an equal and the highest number of votes, there is no choice, and a special election to fill such office must be ordered by the proper Board or officer.

Same, on Tie Vote for Governor or Lieutenant-Governor.

SEC. 1068. In case any two or more persons have an equal and the highest number of votes for either Governor or Lieutenant-Governor, the Legislature must, by joint vote of both houses, choose one of the persons to fill such office.

State Const., Secs. 4 and 16, Art. V.

Electors Privileged from Arrest, when.

SEC. 1069. Electors are privileged from arrest, except for indictable offense, during their attendance on the election, and in going to and returning from the same.

NOTE. What are indictable offenses?

Under Sec. 682, Penal Code, certain crimes *must* be prosecuted by indictment.

Query. What other offenses may be so prosecuted?

1st. The County Court has original jurisdiction (6) to inquire by the intervention of a Grand Jury of *all* public offenses committed or triable within the county. Sec. 85, Code C. P.

2d. The Grand Jury must inquire into *all* public offenses committed or triable within the county. Sec. 915, Penal Code.

3d. The Grand Jury may inquire into *all* offenses committed within the county, not barred by the Statute of Limitations. *People v. Beatty*, 14 Cal., p. 566.

Per Contra. See Political Code, § 4426-4427.

See State Cons., Art II, § 2, page 57, Ante.

Elector Exempt from Militia Duty, when.

SEC. 1070. No elector is obliged to perform militia duty on the day of election, except in time of war or public danger.

No Fees for Certificate of Registration.

SEC. 1071. No fees must be charged for registration or certificates thereof.

Compensation of Officers of Election.

SEC. 1072. The compensation of members of Boards of Election and Clerks must be fixed and audited by the Board of Supervisors and paid out of the County Treasury.

Supervisors to have Blanks Prepared.

SEC. 1073. The necessary printed blanks for poll lists, tally lists, list of voters, oath, and returns, together with envelopes in which to inclose returns, must be furnished by the Board of Supervisors to the officers of each election precinct at the expense of the county.

CHAPTER II.

Qualifications and Disabilities of Electors.

SECTION 1083. Qualifications of a voter.

1084. Certain citizens not entitled to vote.

Qualifications of a Voter.

SEC. 1083.* Every male citizen of the United States, who shall have been a resident of the State six months next preceding the election, and of the precinct in which he claims his vote, thirty days, and whose name is enrolled on the Great Register of such county, is a qualified elector thereof.

Certain Citizens not Entitled to Vote.

SEC. 1084.* No idiot or insane person, or person convicted of any infamous crime, is entitled to the privilege of an elector.

* Those Sections which may relate to Primary Elections, are printed with a marginal line.

CHAPTER III.

Registration of Electors.

SECTION 1094. Great Register to be kept.

1095. Names of electors to be entered.

1096. Substance of entry.

1097. Rules governing entry.

1098. Assessors roll of electors.

1099. What enrollment must show.

1100. Duty of Clerk or Assessor relative to certain proofs produced before him.

1101. Assessor must make monthly returns of his enrollment.

1102. Duty of Clerk upon receipt of the return.

1103. Affidavits must be filed in Clerk's office.

1104. Persons not to be registered in different counties at the same time.

• 1105. Cancellation of entry.

1106. When entry may be canceled.

1107. Clerk must give certificate of registration.

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1110. Parties to such actions.

1111. Same.

1112. Costs not to be recovered against the Clerk, except in certain cases.

1113. Clerk to make copy of Great Register ; also, Ward and Township Registers.

1114. Names must be arranged alphabetically and numbered.

SECTION 1115. Great Register and Ward Registers must be printed.

1116. Printed copies, how distributed.

1117. Copy of entry *prima facie* evidence that the party is an elector.

AN ACT to compel the County Clerk of the city and county of San Francisco to keep open his office upon all election days.

Great Register to be kept.

SEC. 1094. There must be kept in the office of the County Clerk of each county, a Great Register.

Names of Electors to be Entered.

SEC. 1095. In the Great Register the Clerk must, as hereinafter provided, enter the names of the qualified electors of the county whose names are not already thereon.

Substance of Entry.

SEC. 1096. Such entry must show :

1. The name at length;
2. The age, omitting fractions of years;
3. The country of the nativity;
4. The place of residence (giving the ward or precinct);
5. If naturalized, the time and place of naturalization; and
6. The date of the entry;

--Of each person. Each name must be numbered in the order of its entry.

Rules Governing Entry.

SEC. 1097 *as amended March 30, 1874, p. 15.* No person's name must be entered by the Clerk, unless:

1. Upon a certificate of registration in another county, showing that such registration has been canceled, and upon proof, by the affidavit of the party, that he is an elector of the county in which he seeks to be registered.

2. Upon the returns of the Assessor of the county;

3. If a naturalized citizen upon the production of his certificate of naturalization, or upon his own affidavit that it is lost, or out of his possession, which affidavit must state the place of his nativity, and the time and place of his naturalization, together with his affidavit that he has resided in the United States for five years, and in this State for six months next preceding the time of application, and that he is an elector of the county;

4. If born in a foreign country, upon his affidavit that he became a citizen of the United States by virtue of the naturalization of his father, whilst he was residing in the United States, and under the age of twenty-one years, and that he is an elector of the county;

5. Upon the production and filing of a certified copy of the judgment of a District Court directing such entry to be made.

6. In other cases, upon the affidavit of the party that he is an elector of the county;

7. In every case, the affidavit of the party must show all the facts required to be stated in the entry on the register, except the date and number of the entry.

Assessor's Roll of Electors.

SEC. 1098. The Assessor of each county must keep a roll of electors, on which, and upon like proof as is required for entry upon the Great Register, he must enroll the name of any elector of the county making application to him for that purpose.

What Enrollment Must Show.

SEC. 1099. Such enrollments must show the same facts as are required to be shown by the entry upon the Great Register.

Duty of Clerk or Assessor Relative to Certain Proofs Produced Before Him.

SEC. 1100. The Clerk or Assessor must, upon every certificate of naturalization presented to him as evidence of citizenship, indorse and subscribe a statement of the time of presentation and of his action thereon.

Assessor Must Make Monthly Returns of His Enrollment.

SEC. 1101. At the end of every month the Assessor must return to the County Clerk a certified copy of all entries made upon his roll of electors during such month, and all affidavits made for the purpose of procuring such enrollment.

Duty of Clerk upon the Receipt of the Return.

SEC. 1102. Upon the receipt of such return, the Clerk must at once enter upon the Great Register the names contained and the statements made in such return.

Affidavits Must be Filed in Clerk's Office.

SEC. 1103. The Clerk must file and preserve all affidavits returned to him by the Assessor or used before him for the purpose of obtaining registration.

Persons not to be Registered in Different Counties at the Same Time.

SEC. 1104. No person must cause himself to be registered

or enrolled in one county when his registration in another remains uncanceled.

Cancellation of Entry.

SEC. 1105. There must be left opposite each name in the Great Register a blank for cancellation. Cancellation is made by writing in such blank the word "Canceled," and a statement of the reasons therefor.

When Clerk Must Cancel Entry.

SEC. 1106 as amended March 30, 1874, page 16. The Clerk must cancel the entry in the following cases :

1. At the request of the party registered;
2. When he knows of the death or of the removal of the person registered;
3. When the insanity of the person registered is legally established;
4. Upon the production of a certified copy of a judgment of felony, in full force against the person registered, or upon information of such conviction, obtained as hereinafter provided;
5. Upon the production of a certified copy of a judgment directing the cancellation to be made;
6. Upon the certificate of the Board of Election of any precinct sent up with the election returns, stating the death or removal, within their own knowledge, of person registered;
7. When it appears, by the returns made by the Board and Clerks of Election, that the respective party did not vote during the next preceding three years at any general or judicial election;
8. The Clerk shall cancel upon the Great Register every name found thereon which is also found upon the Register of Deaths, provided for in section three thousand and seventy-nine of this Code;
9. Every Judge before whom proceedings are had, which result in any male person being declared incapable of taking care of himself and managing his property, and for whom a guardian of his person and estate is accordingly appointed, or which result in such person being committed to a State Insane Asylum, as an insane person, shall file with the County Clerk a certificate of that fact, and thereupon the Clerk shall cancel the name of such person upon the Great Register, if found thereon;
10. The County Clerk shall, also, in the first week of July in each year, examine the records of the Courts having juris-

diction in cases of felony, within his county, and cancel upon the Great Register the names of all persons appearing thereon who shall have been convicted of felony in any of such Courts, and which conviction shall have been carried into effect.

Clerk Must Give Certificate of Registration.

SEC. 1107. Upon the application of the party in person or in writing, the Clerk must give him or his agent a certified copy of the entries upon the Great Register relating to such party.

Persons Refused Registration May Proceed by Action.

SEC. 1108. If the Clerk refuses to enter the name of any qualified elector of the county upon the Great Register, such elector may proceed by action in the District Court to compel such entry.

Any Person May Proceed by Action to have Registration Canceled.

SEC. 1109 *as amended March 30, 1874, page 17.* Any person may proceed, by action in the District Court, to compel the Clerk to cancel any entry made on the Great Register illegally, or that ought to be canceled by reason of facts that have occurred subsequent to the time of such entry, but if the person whose name is sought to be canceled be not a party to the action, the Court may order him to be made a party defendant.

Parties to Such Actions.

SEC. 1110. In an action under authority of Section one thousand one hundred and eight, as many persons may join as plaintiffs as have causes of action.

Same.

SEC. 1111. In an action under the authority of Section one thousand one hundred and nine, the Clerk and as many persons as there are causes of action against may be joined as defendants.

Costs Not to be Recovered Against the Clerk, except in Certain Cases.

SEC. 1112. Costs cannot be recovered against the Clerk in any action under the authority of this Chapter, unless it is alleged in the complaint, and established on the trial, that the Clerk knowingly and willfully violated a plain duty.

Clerk to Make Copy of Great Register and Ward and Township Registers.

SEC. 1113, *as amended March 30, 1874, page 17.* Before the fifth day of August, in each year in which there shall be a general or Presidential election, each County Clerk must make out a copy of the uncanceled entries existing on the Great Register on the preceding first day of August.

In lieu of such copy, for the city and county of San Francisco, the County Clerk must, from the poll lists of the general and judicial elections, held in September and October, eighteen hundred and seventy-three, and from similar poll lists of the general and judicial elections held in every second year thereafter, make out Ward Registers, one for each ward in said city and county, and upon each such Ward Register he must enter the names of the qualified electors of the ward appearing on the last general and judicial poll lists of the ward, alphabetically arranged, together with the entries respectively appearing on the Great Register opposite such names.

He shall not enter the name of the same person on more than one Ward Register.

He must, however, enter upon the proper Ward Register, the name of any person, who, being duly sworn, shall make satisfactory proof that he is an elector of such Ward, and that his name is uncanceled on the Great Register of said city and county.

He must, upon satisfactory proof, obtained in like manner, transfer any name from one Ward Register to another, at the same time canceling the name on the Ward Register from which the transfer is made, noting such transfer on each such Ward Register, opposite the name.

For the purposes of registration and preparation of Ward Registers, and copies thereof, required by law, the County Clerk must employ such assistants, and for such times and at such compensation as shall from time to time be authorized by the Board of Supervisors.

All fees received for registration and transfers must be paid into the treasury of the city and county, and out of such treasury must be paid the compensation of such assistants, and all necessary expenses of registration, preparation of registers, and of transfers, upon the proper orders of the Board of Supervisors.

The Board of Supervisors of any county may, by order, provide for the preparation, printing, and distribution of township Registers for each township, instead of copies of the Great Register, in the same manner as is herein above

provided respecting Ward Registers in the city and county of San Francisco.

When so ordered, the provisions of law applicable to the city and county of San Francisco, in respect to the preparation, correction, issue, distribution, posting, use, and return of Ward Registers, shall apply to such county, the word "township" being substituted for "Ward" for that purpose, wherever it occurs; except, that the number of additional copies to be printed of such registers shall not exceed fifty for each one thousand votes cast in the respective townships at the next preceding election.

The Board of Supervisors shall fix the compensation of the County Clerk for his services in preparing the township registers, which shall be paid out of the County Treasury.

Such order may be repealed and re-enacted as often as the Board of Supervisors may deem it expedient to do so.

Names must be Arranged Alphabetically and Numbered.

SEC. 1114, *as amended March 30, 1874, page 19.* In such copy and registers the names must be arranged alphabetically, according to surnames, and must be numbered consecutively, from the first to the last name, inclusive.

Great Register and Ward and Townships' Registers must be Printed.

SEC. 1115, *as amended March 24, 1876.* Within fifteen days after making such list, the Clerk must have printed a sufficient number of copies thereof to supply each election precinct in the county with not less than ten copies thereof, and fifty additional for every one thousand votes cast in the county at the next preceding general election, except that in the city and county of San Francisco, the County Clerk must have printed a sufficient number of copies of each Ward Register, to supply two hundred and fifty copies thereof for the first one thousand votes, or fraction thereof, cast in the ward at the next preceding general election, and fifty additional copies for each additional one thousand votes, or fraction thereof above five hundred; but in all the counties of this State, other than those of the first class, as classified by this Code, the Clerk of each of such counties, if the Board of Supervisors, in their discretion, so order, must, if there is a sufficient number of the register last printed on hand, to provide not less than four copies for each precinct in such county, cancel the names of all persons thereon required to be canceled, and furnish the same to each precinct, together with the same number of copies of a supple-

ment, containing the uncanceled entries made upon the Great Register subsequent to the last publication thereof.

Printed Copies, how Distributed.

SEC. 1116, as amended March 24, 1876. The Clerk must, as soon as such copies of the Great Register, or ward, or township registers are printed:

First—Post one copy in some public place in the Court-room.

Second—Deliver, upon demand, one copy to each county and township officer in the county.

Third—Transmit and cause to be delivered not less than ten copies to each Board of Election in the county; but in cases where ward registers are printed, ten copies shall be delivered to each Board of Election in the respective wards, and one copy of all the registers to each Board of Election in the county.

Fourth—Preserve five copies in the office for the inspection of the public.

Fifth—Transmit to the State Library, Mercantile Library, Mechanics' Institute and Odd Fellows' Library, of San Francisco, one copy each.

Sixth—Deliver one copy to each elector of the county, or respective ward, applying therefor, until the remainder of the edition printed is exhausted; *provided*, that nothing in this section, except the first, third and fourth subdivisions thereof, shall apply to counties other than of the first class.

Copy of Entry prima facie Evidence that the Party is an Elector.

SEC. 1117, as amended March 30, 1874, page 20. A certified copy of an uncanceled entry upon the Great Register, is *prima facie* evidence that the person named in the entry, is an elector of the county.

County Clerk of San Francisco to keep his Office open on Election Days.

SEC. 1* The County Clerk of the city and county of San Francisco shall keep his office open continuously, upon all election days, from sunrise until six o'clock and thirty minutes of the evening of the same day, for the sole and only purpose of registering voters, and giving voters certificates of registration and transfers to the ward they live in.

Of *"An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days." (Approved March 7, 1876, page 142.)

CHAPTER IV.

Election Precincts.

SECTION 1127. Supervisors to establish election precincts.

1128. Boundaries must be defined.

1129. Board may alter, etc., precincts.

1130. Limitations on powers given herein.

1131. Board to designate place in precinct for holding election and offices to be filled.

1132. If Board fail to designate, Justice of the Peace may designate.

Supervisors to Establish Election Precincts.

SEC. 1127. The Board of Supervisors of each county must establish a convenient number of election precincts therein.

Boundaries must be Defined.

SEC. 1128. In the order establishing precincts, the boundaries thereof must be defined.

Board may Alter, etc., Precincts.

SEC. 1129. The Board may from time to time change the boundaries of, create new, or consolidate established precincts.

Limitations on Powers given Herein.

SEC. 1130. The following limitations are imposed upon the powers given the Supervisors in this Chapter:

1. No precinct must be so established as to embrace more than one township; nor parts of two or more townships, nor in such manner that its exterior limits cross the exterior boundaries of any township, incorporated town, or city, or any ward, district, or other territorial subdivision for which local officers are to be elected, except a school or road district;

2. No precinct must be established, nor must the boundaries of one already established, be altered within thirty days next preceding a general or judicial election.

Board to Designate Place in Precinct for Holding Elections, and Offices to be Filled.

SEC. 1131, as amended March 30, 1874, page 21. The Board must, at least fifteen days prior to an election, issue its order appointing Boards of Election, designating the house or place within the precinct where the election must be held, and the offices to be filled, naming and numbering,

in numerical order, commencing with number one, the offices to be filled, unexpired terms being lastly designated.

If Board fail to Designate, Justice of the Peace may Designate.

SEC. 1132, as amended March 30, 1874, page 21. If the Board fail to designate the house or place for holding the election, or if it cannot be held at the house or place designated, the Justices of the Peace residing in the precinct must meet two days before the election, and by an order, under their hand (copies of which they must at once post in three public places in the precinct), designate the house or place. In the city and county of San Francisco, any three of the Justices of the Peace may discharge the duties imposed by this section, at least eighteen hours prior to the opening of the polls.

CHAPTER V.

Boards of Election.

- SECTION 1142. Boards of Election, how appointed.
1143. Judges not to be of same political party.
1144. If Board of Supervisors fail to appoint, etc., electors may appoint.
1145. Organization of Boards and general powers of Inspectors.
1146. Judges and Clerks may administer oaths.
1147. Clerks.
1148. Board of Clerks to be sworn.
1149. Board to post copies of Great Register and Ward Register.
1150. Copies not to be torn nor defaced.

Boards of Election, how Appointed.

SEC. 1142, as amended March 30, 1874, page 21. When an election is ordered, the Board of Supervisors must appoint, for each precinct, from the electors thereof, one Inspector and two Judges, who constitute a Board of Election for such precinct; and in the city and county of San Francisco the Board of Supervisors must also, prior to the election day, appoint for each precinct, from the electors thereof, an additional Inspector and two additional Judges, who, with the original Inspector and Judges, shall canvass the votes for such precinct, and who must be present at the closing of the polls, otherwise the Board of Election must appoint the additional Inspector and Judges, or supply the place of an absent member thereof.

The original and additional Inspectors and Judges shall thenceforth constitute the Board of Election, the members relieving each other in the duties of canvassing the ballots, which may be conducted by at least half of the whole number; but the final certificates shall be signed by a majority of the whole.

Judges not to be of same Political Party.

SEC. 1143. The Judges appointed must not be members of the same political party.

If Board of Supervisors fail to appoint, etc., Electors may Appoint.

SEC. 1144,* *as amended March 30, 1874, page 22.* If the Board of Supervisors fail to appoint the Board of Election, or the members appointed do not attend at the opening of the polls on the morning of the election, the electors of the precinct present at that hour may appoint the Board, or supply the place of an absent member thereof.

Organization of Boards and General Powers of Inspectors.

SEC. 1145.* The Inspector is Chairman of the Election Board, and may:

1. Administer all oaths required in the progress of an election.
2. Appoint Judges and Clerks, if during the progress of the election any Judge or Clerk ceases to act.

Judges and Clerks may Administer Oaths.

SEC. 1146.* Any member of the Board, or either Clerk thereof, may administer and certify oaths required to be administered during the progress of an election.

Clerks.

SEC. 1147.* The Board of Election for each precinct must, before opening the polls; appoint two persons to act as Clerks of Election.

Board and Clerks to be Sworn.

SEC. 1148.* Before opening the polls, each member of Board, and each Clerk, must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the township may administer and certify such oath.

*Those Sections which may relate to Primary Elections, are marked with a marginal line.

Board to post copies of Great Register and Ward Register.

SEC. 1149, *as amended March 30, 1874, page 22.* Before opening the polls the Board must post, in some separate convenient places, easy of access, not less than four printed copies of the Great Register of the county, as last printed, except in the city and county of San Francisco, wherein not less than four printed copies of the Register of the Ward shall be so posted.

Copies not to be Torn or Defaced.

SEC. 1150. The copies so posted must be maintained during the whole time of voting, and must not in any manner be torn or defaced.

CHAPTER VI.

Opening and Closing the Polls.

SECTION 1160. Time of opening and closing the polls.

1161. Recess.

1162. Ballot box to be exhibited.

1163. Proclamation at opening the polls.

1164. Proclamation at closing the polls.

Time of opening and Closing Polls.

SEC. 1160, *as amended March 8, 1876.* The polls must be opened at one hour after sunrise on the morning of the election, and must be kept open until sunset, when the same must be closed, except in the City and County of San Francisco, wherein the polls must be opened at sunrise, and be kept open continuously until six o'clock and thirty minutes of the evening of the same day, when the same shall be closed.

SEC. 1161, *repealed March 30, 1874, page 23.*

Ballot Box to be Exhibited.

SEC. 1162.* Before receiving any ballots, the Board must, in the presence of any persons assembled at the polling-place, open and exhibit and close the ballot-box; and thereafter it must not be removed from the polling-place or presence of the bystanders until all the ballots are counted, nor must it be opened until after the polls are finally closed.

*Those Sections which may relate to Primary Elections, are marked with a marginal line.

Proclamation at Opening the Polls.

SEC. 1163.* Before the Board receive any ballots, they must cause it to be proclaimed aloud at the place of election that the polls are open.

Proclamation at Closing the Polls.

SEC. 1164.* When the polls are closed that fact must be proclaimed aloud at the place of election; and after such proclamation no ballots must be received.

CHAPTER VII.

Poll Lists.

SECTION 1174. Form of poll lists.
1175. Want of form not to vitiate.

Form of Poll List.

SEC. 1174,* *as amended March 30, 1874, p. 23.* The following is the form of poll lists and tally lists to be kept by Boards and Clerks of Election:

Poll Lists.

Of the election held in the Precinct of ———, in the County of ———, on the ——— day of ———, in the year A. D. one thousand eight hundred and ———. A. B., C. D., and E. F., Judges, and G. H. and J. K., Clerks of said election, were respectively sworn (or affirmed), as the law directs, previous to their entering on the duties of their respective offices.

Number and Name of Electors Voting.

No.	Name.	No.	Name.
1	A. B.	3	E. F.
2	C. D.	4	G. H.

We hereby certify that the number of electors voting at this election amounts to——

Attest:

G. H.,	A. B.,
J. K.,	C. D.,
Clerks.	E. F.,
	Board of Election.

*Those Sections which may relate to Primary Elections, are printed with a marginal line.

Tally Lists.

Names of persons voted for, and for what office, containing the number of votes given for each candidate:

Governor.	Representative in Congress.	Members of the Legislature.	
		Senate.	Assembly.

We hereby certify that A. B. had —— votes for Governor, and C. D. had —— votes for Governor; that E. F. had —— votes for Representative in Congress, etc.

G. H.,	A. B.,
J. K.,	C. D.,
Clerks.	E. F.,
	Board of Election.

Want of Form not to Vitate.

SEC. 1175.* No list, tally, paper, or certificate returned from any election must be set aside or rejected for want of form, nor on account of its not being strictly in accordance with the directions of this Title, if it can be satisfactorily understood.

CHAPTER VIII.

Election Tickets and Ballots.

- SECTION 1185. Ticket defined.
1186. Ballot defined.
1187. Tickets must be uniform.
1188. Secretary of State to keep paper for tickets.
1189. Must supply such paper to any person on application.
1190. Disposition of moneys collected from sale of paper.
1191. Form of ballot and how printed.
1192. Ballots not to be given to any person within certain limits.
1193. Tickets and ballots not to be folded or unfolded within certain limits.
1194. Contents of tickets or ballots not to be exhibited within certain limits.
1195. Persons not to be asked to disclose contents of ticket or ballot.
1196. Ballots to have no marks on outside.

*Those Sections which may relate to Primary Elections, are printed with a marginal line.

- SECTION 1197. Ballots to have no marks by which it can be known who voted it, etc.
1198. Tickets, how to be folded.
1199. Tickets not to be folded so as to indicate their contents.
1200. Tickets folded together must be rejected.
1201. Ballots not to be rejected for obscurity in the name of person or office.
1202. When more persons are designated for an office than are to be chosen, ballot to that extent must be rejected.
1203. Written and printed names for the same office---which to be rejected.
1204. Printed tickets not to be erased but by lead pencil or ink.
1205. Two votes on the same ballot, for same person, must be counted as one.
1206. Marked ballots to be rejected.
1207. Same.
1208. Ballots not conforming to requirements of law must be rejected.
1209. Rejected ballots to be indorsed.
1210. Rejected ballots must be preserved.
1211. Ballots not rejected, but objected to, must be indorsed.
1212. Ballots not in compliance with law not to be received.

Ticket Defined.

SEC. 1185. A ticket is a paper upon which is written or printed the names of the persons for whom the elector intends to vote, with a designation of the office to which each person so named is intended by him to be chosen.

Ballot Defined

SEC. 1186. A ballot is a ticket folded in such a manner that nothing written or printed thereon can be seen.

Tickets must be Uniform.

SEC. 1187. Every ticket must be of paper uniform in size, color, weight, texture and appearance.

Secretary of State to Keep Paper for Tickets.

SEC. 1188. The Secretary of State must provide and keep constantly on hand a sufficient quantity of paper, uniform in color, weight, texture, and appearance, without marks of any kind thereon, to supply the demand for paper for tickets.

Must Supply such Paper to any Person on Application.

SEC. 1189. He must, upon payment for the cost thereof and ten per cent profit, furnish such paper to every person

who may apply therefor, and who makes and files with him an affidavit that such paper is to be used in providing tickets to be used as ballots at any election next to ensue.

Disposition of Money Collected from Sale of Paper.

SEC. 1190. The sum collected by him for paper so sold must be paid into the State Treasury; and ten per cent. of such sum must be credited to a fund to be kept in the Treasury, and known as the "Election Reward Fund."

Form of Ballot, and how Printed.

SEC. 1191, *as amended March 30, 1874, page 24.* No ticket must be used at any election, or circulated on the day of election, unless:

1. It is written or printed on paper furnished by the Secretary of State, or upon paper in every respect precisely like such paper.

2. It is five inches in width, or within one-fourth of an inch of such width. If not more than fifty offices are designated to be filled, it is twelve inches in length, or within one-half an inch of such length. If more than fifty offices, and not more than eighty offices, are designated to be filled, it is eighteen inches in length, or within one-half of an inch of such length. If more than eighty offices are designated to be filled, it is twenty-four inches in length, or within one-half of an inch of such length.

3. If printed, the names of the persons voted for, and the offices designated, are printed in black ink, and in long primer capitals—the names of the offices in small capitals, and of the persons in large capitals—and both without spaces, except between the different words or initials in each line, and between the numbers and initials.

4. If printed, the same margin is left above the printed matter as below it.

5. If printed, the lines are straight, and the matter double leaded with six to pica leads. The word "For" comprises the top line, the margins both sides of it being equal in size. The line after the top one commences with the figure 1, then follows immediately on the same line the name of the first office designated by the Board of Supervisors in its order, issued under Sec. 1131, and lastly, on the same line, the name of the person voted for. Each subsequent line commences with the figure next in numerical order, and such number is in like manner immediately followed by the name of the office designated, and the person voted for; so that the offices shall appear upon the ticket in the order desig-

nated by the Board of Supervisors, and be numbered in numerical order, commencing with the number one. The numbers are in a straight line from top to bottom, and are within one quarter of an inch of the left hand edge of the ticket; so that the blank space for substituted names shall be on the right hand side of the ticket. The ticket shall be substantially in the following form:

FOR

1. STATE SENATOR, FRANK COWPER.
2. STATE SENATOR, PHILLIP ROSS.
3. MEMBER OF ASSEMBLY, A. S. WARDEN.
4. MEMBER OF ASSEMBLY, WASHINGTON SWIFT.
5. MEMBER OF ASSEMBLY, CALEB T. HOLIDAY.

Ballots not to be given to any Person within Certain Limits.

SEC. 1192.* No ticket or ballot must, on the day of election, be given or delivered to or received by any person, except the Inspector, or a Judge acting as Inspector, within one hundred feet of the polling place.

Tickets and Ballots not to be Folded or Unfolded within Certain Limits.

SEC. 1193.* No person must, on the day of election, fold any ticket or unfold any ballot which he intends to use in voting, within one hundred feet of the polling place.

Contents of Tickets or Ballots not to be Exhibited within Certain Limits.

SEC. 1194.* No person must, on the day of election, within one hundred feet of the polling place, exhibit to another, in any manner by which the contents thereof may become known, any ticket or ballot which he intends to use in voting.

Persons not to be Asked to Disclose Contents of Ticket or Ballot.

SEC. 1195.* No person must, on the day of election, within one hundred feet of the polling place, request another person to exhibit or disclose the contents of any ticket or ballot which such other person intends to use in voting.

*Those Sections which may relate to Primary Elections, are printed with a marginal line.

Ballot to have no Marks on Outside.

SEC. 1196.* No ballot must be used at any election, or circulated on the day of any election, having any mark or thing on the back or outside thereof, whereby it might be distinguished from any other ballot legally used on the same day.

Ballots to have no Marks by which it can be known who Voted it, etc.

SEC. 1197, as amended March 26, 1874, p. 73. No ballot or ticket must be used or circulated on the day of any election, having any mark or thing thereon by or from which it can be ascertained what persons, or what class of persons used or voted it, or at what time in the day such ballot was voted or used.

Tickets, how to be Folded.

SEC. 1198, as amended March 30, 1874, p. 26. Every ticket, when used as a ballot, must be folded crosswise from the center, and as follows: If twelve inches long, four times; if eighteen inches long, five times; and if twenty-four inches long, five times, and must be pressed flat.

Tickets not to be Folded so as to indicate their Contents.

SEC. 1199.* No ticket must be folded in a manner to indicate its contents when used as a ballot.

Tickets folded together must be Rejected.

SEC. 1200.* If in the ballot box two tickets are found folded together in the form of a ballot, they must both be rejected.

Ballots not to be rejected for Obscurity in the name of Person or Office.

SEC. 1201.* No ballot or part thereof must be rejected by reason of any obscurity therein in relation to the name of the person voted for, or the designation of the office, if the Board, from an inspection of the ballot, can determine the person voted for and the office intended.

When more Persons are Designated for an Office than are to be Chosen, Ballot to that extent must be Rejected.

SEC. 1202.* If the names of more persons are designated on any ballot found in the ballot box for the same office than

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are to be chosen for such office, then, except in the cases provided for in the next section, all the names designated for such offices must be rejected, and the fact of such rejection and the reasons therefor must at the time of such rejection be noted on the ballot and signed by a majority of the Election Board.

Written and Printed Names for the same Office, which to be Rejected.

SEC. 1203.* When upon a ballot found in any ballot box a printed name and a name written with ink or with pencil appears, and there are not so many persons to be chosen for the office, the printed name must be rejected and the written one counted, and the fact must at the time be noted on the back of the ballot, and such note must be signed by a majority of the Election Board.

Printed Tickets not to be Erased but by Lead Pencil or Ink.

SEC. 1204. When upon a ballot found in any ballot box a name has been erased and another substituted therefor, in in any other manner than by the use of a lead pencil or common writing ink, the substituted name must be rejected, and the name erased, if it can be ascertained from an inspection of the ballot, must be counted, and the fact thereof must be noted upon the ballot, and such note must be signed by a majority of the Election Board.

Two Votes on same Ballot for same Person must be counted as One.

SEC. 1205. If a ballot is found in any ballot box containing the name of the person and the office for which he is designated, or either, two or more times, it must not for that reason be rejected; it must be counted as one ballot.

Marked ballots to be Rejected.

SEC. 1206. When a ballot found in any ballot box bears upon the outside thereof any impression, device, color, or thing, or is folded in a manner designed to distinguish such ballot from other legal ballots deposited therein, it must, with all its contents, be rejected.

Same.

SEC. 1207. When a ballot found in any ballot box bears upon it any impression, device, color, or thing, or is folded

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in a manner intended to designate or impart knowledge of the person who voted such ballot, it must, with all its contents, be rejected.

Ballots not Conforming to Requirements of Law, must be Rejected.

SEC. 1208. When a ballot found in any ballot box does not conform to the requirements of section eleven hundred and ninety-one, it must, with all its contents, be rejected.

Rejected Ballots to be Indorsed.

SEC. 1209. Whenever the Board of Election rejects a ballot, it must, at the time of such rejection, cause to be made thereon, and signed by a majority of the Board, an endorsement of such rejection, and of the causes thereof,

Rejected Ballots must be Preserved.

SEC. 1210. All rejected ballots must be preserved and returned in the same manner as other ballots.

Ballots not rejected, but Objected to, must be Indorsed.

SEC. 1211. Whenever a question arises in the Board as to the legality of a ballot or any part thereof, and the Board decided in favor of the legality, such action, together with a concise statement of the facts that gave rise to the objection, must be indorsed upon the ballot, and signed by a majority of the Board.

Ballots not in Compliance with Law, not to be Received.

SEC. 1212. The Board must refuse to receive or to allow to be deposited in the ballot box any ballot offered, if it is apparent that it is not in compliance with the provisions of this chapter.

CHAPTER IX.

Voting and Challenges.

- SECTION 1224. Voting, when to commence and continue.
1225. Manner of voting.
1226. Same.
1227. Same.
1228. Record that person has voted, how kept.
1229. Same.
1230. Grounds of challenge.
1231. Proceedings on challenge for want of identity.
1232. Same, on challenge for non-residence in State.

- SECTION 1233. Same, on challenge for non-residence in precinct.
 1234. Same, on challenge of having before voted.
 1235. Same, on ground of conviction of a felony.
 1236. Challenges, how determined.
 1237. Same.
 1238. If person refuse to be sworn, vote to be rejected.
 1239. Rules for the determination of questions of residence.
 1240. Term of residence, how computed.
 1241. Rules must be read, if requested.
 1242. Proceedings upon determination of challenge.
 1243. List of challenges to be kept.

Voting, when to Commence and Continue.

SEC. 1224.* Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain open.

Manner of Voting.

SEC. 1225, *as amended April 3, 1876, p. 26.* The person offering to vote must hand his ballot to the Inspector, or to one of the Judges acting as inspector, and announce his name and the number affixed to it on the printed copy of the register, if his name is thereon; *provided*, that in incorporated towns and cities the said person voting shall also give the name of the street, avenue, or location of his residence and the number thereof, if it be numbered, or such clear and definite description of the place of such residence as shall definitely fix the same.

Same.

SEC. 1226, *as amended April 3, 1876, p. 26.* The Inspector or Judge acting as such, must receive the ballot, and before depositing it in the ballot box, must, in an audible tone of voice announce the name and register number (if there be one,) *provided*, that in incorporated towns and cities the said Inspector, or Judge, acting as such, shall also announce the residence of the person voting, and the same shall be recorded on the poll list by the Poll Clerk.

Same.

SEC. 1227,* *as amended March 30, 1874, p. 26.* If the name be found on the copy of the Great Register, or Ward Register, or if the party produce and file with the Board an uncanceled certificate of registration on the Great Register of the county, and the vote is not rejected upon a challenge

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taken, the Inspector, or Judge acting as such, must, in the presence of the Board of Election, place the ballot, without being opened or examined, in the ballot box.

Record that Person has Voted, how kept.

SEC. 1228. When the ballot has been placed in the box, one of the Judges must write the word "voted" opposite the number of the person on the printed copy of the Register; or, if the person voted on a certificate of registration, then upon the face thereof.

Same.

SEC. 1229.* Each Clerk must keep a list of persons voting, and the name of each person who votes must be entered thereon and numbered in the order of voting.

Grounds of Challenge.

SEC. 1230.* A person offering to vote may be orally challenged by any elector of the county, upon either or all of the following grounds :

1. That he is not the person whose name appears on the Register;
2. That he has not resided within the State for six months next preceding the election;
3. That he has not resided within the precinct for thirty days next preceding the election;
4. That he has before voted that day;
5. That he has been convicted of a felony and has not been pardoned.

Proceedings on Challenge for want of Identity.

SEC. 1231.* If the challenge is on the ground that he is not the person whose name appears on the Great Register, the Inspector must tender him the following oath :

"You do swear (or affirm) that you are the person whose name is entered on the Great Register."

Same, on Challenge for Non-Residence in State.

SEC. 1232.* If the challenge is on the ground that he has not resided in the State for six months next preceding the election, the person challenged must be sworn to answer questions; and after he is sworn, the following questions must be propounded to him by the Inspector :

1. Have you resided in this State for six months immediately preceding this election ?

*Those Sections which may relate to Primary Elections, are printed with a marginal line.

2. Have you been absent from this State within the six months immediately preceding this election? If yes, then :

3. When you left, did you leave for a temporary purpose with the design of returning; or for the purpose of remaining away?

4. Did you while absent regard this State as your home?

5. Did you while absent vote in any other State?

And such other questions as may be necessary to a determination of the challenge.

Same, on Challenge for Non-Residence in Precinct.

SEC. 1233.* If the challenge is on the ground that he has not resided in the precinct for thirty days next preceding the election, the person challenged must be sworn to answer questions, and after he is sworn the following questions must be propounded to him by the Inspector:

1. When did you last come into this election precinct?

2. When you came into this precinct did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this precinct for the purpose of voting here?

And such other questions as may be necessary to a determination of the challenge.

Same, on Challenge for having before Voted.

SEC. 1234.* If the challenge is on the ground that the person challenged has before voted that day, the Inspector must tender to the person challenged this oath:

“ You do swear (or affirm) that you have not before voted this day.”

Same, on Ground of Conviction of a Felony.

SEC. 1235.* If the challenge is on the ground that the person challenged has been convicted of a felony and has not been pardoned, he must not be questioned; but the fact may be proved by the production of an authenticated copy of the record, or by the oral testimony of two witnesses and the non-production of a pardon.

Challenges, how determined.

SEC. 1236.* Challenges upon the grounds either:

1. That the person challenged is not the person whose name appears on the Great Register;

2. That the party has before voted on that day;

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—Are determined in favor of the party challenged by his taking the oath tendered.

Same.

SEC. 1237.* Challenges for causes other than those specified in the preceding section must be tried and determined by the Board of Election at the time of the challenge.

If Persons Refuse to be Sworn, Vote to be Rejected.

SEC. 1238.* If any person challenged refuses to take the oaths tendered, or refuses to be sworn and to answer the questions touching the matter of residence, he must not be allowed to vote.

Rules for Determining Question of Residence.

SEC. 1239,* as amended March 30, 1874, page 27. The Board of Election, in determining the place of residence of any person, must be governed by the following rules, as far as they are applicable:

1. That place must be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning;

2. A person must not be held to have gained or lost residence by reason of his presence or absence from a place while employed in the service of the United States, or of this State, nor while engaged in navigation, nor while a student at any institution of learning, nor while kept in an almshouse, asylum, or prison;

3. A person must not be held, by reason of having moved from one precinct to another, in the same county, within thirty days prior to the election, to have lost his residence in the precinct so moved from, provided he was an elector therein on the thirtieth day prior to such election;

4. A person must not be considered to have lost his residence who leaves his home to go into another State, or precinct in this State, for temporary purposes merely, with the intention of returning;

5. A person must not be considered to have gained a residence in any precinct into which he comes for temporary purposes merely, without the intention of making such precinct his home;

6. If a person removes to another State with the intention of making it his residence, he loses his residence in this State;

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7. If a person remove to another State with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his residence in this State, notwithstanding he entertains an intention of returning at some future period;

8. The place where a man's family resides must be held to be his residence; but if it be a place of temporary establishment for his family, or for transient objects, it is otherwise;

9. If a man have a family fixed in one place, and he does business in another, the former must be considered his place of residence; but any man having a family, and who has taken up his abode with the intention of remaining, and whose family does not so reside with him, must be regarded as a resident where he has so taken up his abode;

10. The mere intention to acquire a new residence, without the fact of removal, avails nothing; neither does the fact of removal, without the intention.

NOTE—See Sec. 52, Political Code, p. 59, *Ante*.

Term of Residence, how Computed.

SEC. 1240 * The term of residence must be computed by including the day on which the person's residence commenced, and by excluding the day of election.

Rules must be Read, if Requested.

SEC. 1241.* Before administering an oath to a person touching his place of residence, the Inspector must, if requested by any person, read to the person challenged the rules prescribed by sections twelve hundred and thirty-eight and twelve hundred and thirty-nine.

Proceedings upon Determination of Challenge.

SEC. 1242.* If the challenge is determined against the person offering to vote, the ballot offered must, without examination, be returned to him; if determined in his favor, the ballot must be deposited in the ballot box.

List of Challenges to be Kept.

SEC. 1243.* The Board must cause one of the Clerks to keep a list, showing:

1. The names of all persons challenged;
2. The grounds of such challenges;
3. The determination of the Board upon the challenge.

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CHAPTER X.

Canvassing and Returning the Vote.

- SECTION 1252. Canvass to be public, and without adjournment.
1253. Canvass, how commenced.
1254. Double ballots, how disposed of.
1255. Excess of ballots, how disposed of.
1256. Procedure in attesting Poll Lists.
1257. Counting the votes.
1258. Tallies.
1259. Tickets to be strung and inclosed in sealed envelopes.
1260. Return list.
1261. Election returns, etc., to be sealed up.
1262. Inspector to keep duplicate election returns.
1263. Returns and ballots to be delivered to a member of the Board.
1264. Must be delivered to County Clerk or, etc.
1265. Clerk to keep ballots unopened.
1266. When package containing ballots may be destroyed; when opened.
1267. Returns to be delivered by Clerk to Supervisors.
1268. Copy of Register to be filed in County Clerk's office.

Canvass to be Public, and without Adjournment.

SEC. 1252.* As soon as the polls are finally closed, the Judges must immediately proceed to canvass the votes given at such election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof is declared.

Canvass, how Commenced.

SEC. 1253,* as amended March 30, 1874, page 28. The canvass must be commenced by taking out of the box the ballots unopened (except so far as to ascertain whether each ballot is single), and counting the same to ascertain whether the number of ballots corresponds with the number of names on the list of voters kept by the Clerks. In the city and county of San Francisco, at the closing of the polls, the Inspector must administer to the additional members of the Board of Canvassers, the oath prescribed in Section one thousand one hundred and forty-eight, and likewise to two Clerks appointed by such additional members. He must then proceed to take out of the box the ballots, unopened, one at a time, numbering them on the backs in numerical order, commencing with number one, and writing with ink

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the initials of his own name, upon the back of each ballot as taken out. He shall pass each ballot, as soon as thus indorsed, to the additional Inspector, who must, in like manner, write thereon the initials of his own name, so that each ballot can be subsequently identified by either or both such Inspectors.

Double Ballots, how Disposed of.

SEC. 1254,* *as amended March 30, 1874, page 29.* If two or more separate ballots are found so folded together as to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed; then, if upon a comparison of the count with the number of names of electors on the lists which have been kept by the Clerks, it appears that the two ballots thus folded together were cast by one elector, they must be rejected.

Excess of Ballots, how Disposed of.

SEC. 1255,* *as amended March 30, 1874, page 29.* The ballots must be immediately replaced in the box, and if the ballots in the box exceed in number the names on the lists, one of the Judges must publicly, and without looking in the box, draw out therefrom singly, and destroy, unopened, a number of ballots equal to such excess; and the Board of Election must make a record, upon the poll list, of the number of ballots so drawn and destroyed. In the city and county of San Francisco the numbers appearing on the backs of the ballots so drawn, must likewise be recorded.

Procedure in Attesting Poll Lists.

SEC. 1256.* The number of ballots agreeing or being thus made to agree with the number of names on the lists, the lists must be signed by the members of the Board and attested by the Clerks, and the number of names thereon must be set down in words and figures at the foot of each list, and over the signatures of the Judges and the attestation of the Clerks, substantially in the form prescribed in Section eleven hundred and seventy-four.

Counting the Votes.

SEC. 1257.* After the lists are thus signed, the Board must proceed to count and ascertain the number of votes cast for each person voted for. The ballots must be taken out and opened by one of the members of the Board, and the ticket must be distinctly read.

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Tallies.

SEC. 1258.* Each Clerk must write down each office to be filled and the name of each person voted for to fill such office, and keep the number of votes by tallies as they are read aloud.

Tickets to be Strung and Inclosed in Sealed Envelopes.

SEC. 1259.* The tickets, as soon as read, or rejected for illegality, must be strung upon a string by one of the Judges, and must not thereafter be examined by any person, but must, as soon as all are counted, be carefully sealed in a strong envelope, each member of the Board writing his name across the seal.

Return List.

SEC. 1260.* As soon as all the votes are counted and the tickets sealed up, lists must be attached to the tally lists containing the names of persons voted for and for what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the members of the Board and attested by the Clerks, substantially in the form in Section eleven hundred and seventy-four given.

Election Returns, etc., to be Sealed up.

SEC. 1261, as amended March 30, 1874, page 29. The Board must, before it adjourns, inclose in cover and seal up and direct to the County Clerk, the copy of the Register upon which one of the Judges marked the word "Voted" as the ballots were received, all certificates of registration received by it, one of the lists of the persons challenged, one copy of the list of voters, and one of the tally lists and list attached thereto.

Inspector to keep Duplicate Election Returns.

SEC. 1262, as amended March 30, 1874, page 30. The Inspector must retain, open to the inspection of all electors, for at least six months, the other list of voters, tally lists, and list attached thereto.

Returns and Ballots to be Delivered to a Member of the Board.

SEC. 1263. The sealed packages containing the Register, lists, papers, and ballots, must, before the Board adjourns,

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be delivered to one of its number, to be determined by lot, unless otherwise agreed upon.

Returns must be Delivered to County Clerk or Post Master, or Express Agent, Etc.

SEC. 1264, *as amended March 30, 1874, page 30.* The member to whom such packages are delivered, must without delay deliver such packages without their having been opened, to the County Clerk, nearest postmaster or sworn express agent, who shall endorse on such packages the name of the party delivering them, and date of such delivery. If delivered to a postmaster or express agent, such postmaster or express agent shall forward the packages by the first mail or express to the county seat. In the city and county of San Francisco such packages must be delivered to the County Clerk within eighteen hours from time of adjournment of the Board, which time of adjournment must be endorsed upon such package, and upon each poll list, in ink, and signed by a majority of the members of such Board. In the city and county of San Francisco the packages must be put up and sealed in the following manner, by an Inspector, and at least three others of the Board, and be signed with their respective signatures, across the same, written: One package to contain the ballots only; one package to contain one tally list and list attached, only; one package to contain the Ward Register and certificates of registration issued by the County Clerk after making up the Ward Register, and received at the polls.

Clerk to keep Ballots Unopened.

SEC. 1265. Upon the receipt of the packages the Clerk must file the one containing the ballots, and must keep it unopened and unaltered for twelve months, after which time if there is not a contest commenced in some tribunal having jurisdiction about such election, he must burn the package, without opening or examining its contents.

When Package Containing Ballots may be Destroyed, when Opened.

SEC. 1266. If within twelve months there is such a contest commenced, he must keep the package unopened and unaltered until it is finally determined, when he must, as provided in the preceding section, destroy it, unless such package is, by virtue of an order of the tribunal in which the contest is pending, brought and opened before it, to the end that evidence may be had of its contents, in which event the package and contents are in the custody of such tribunal

Returns to be Delivered by Clerk to Supervisors.

SEC. 1267. The other package the Clerk must produce before the Board of Supervisors, when it is in session for the purpose of canvassing returns.

Copy of Register to be Filed in the County Clerk's Office.

SEC. 1268. As soon as the returns are canvassed the Clerk must take the copy of the Register returned and file it in his office.

CHAPTER XI.*Canvass of Returns--Declaration of Result--Commissions and Certificates of Election.*

- SECTION 1278. Meeting of Supervisors to canvass returns.
1279. Same.
1280. Same.
1281. Canvass, how made.
1282. Statement of result to be entered of record.
1283. Declaration of result.
1284. Certificates issued by Clerk.
1285. District returns, how made up.
1286. How transmitted.
1287. Duty of Clerk receiving district returns.
1288. State returns, how made.
1289. How transmitted.
1290. Duty of Secretary of State, relative to.
1291. Commissions issued by Governor.
1292. Returns of election for Governor and Lieutenant Governor, how made.
1293. How transmitted.
1294. Same.
1295. Same.
1296. Canvass of returns of election for Governor and Lieutenant Governor.
1297. Defects in form of returns, when to be disregarded.

Meeting of Supervisors to Canvass Returns.

SEC. 1278. The Board of Supervisors of each county, except Humboldt, San Diego, and Trinity, must meet at their usual place of meeting on the first Monday after each election, to canvass the returns.

Same.

SEC. 1279. The Board of Supervisors of the counties ex-

cepted must each meet at its usual place of meeting, on the second Monday after each election, to canvass the returns.

Same.

SEC. 1280. If at the time of meeting, the returns from each precinct in the county in which polls were opened have been received, the Board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all of the returns are received, or until six postponements have been had.

Canvass, how Made.

SEC. 1281. The canvass must be made in public, and by opening the returns and estimating the vote of such county or township for each person voted for, and for and against each proposition voted upon at such election, and declaring the result thereof.

Statement of Result to be Entered of Record.

SEC. 1282. The Clerk of the Board must, as soon as the result is declared, enter on the records of such Board a statement of such result, which statement must show:

1. The whole number of votes cast in the county;
2. The names of the persons voted for, and the propositions voted upon;
3. The office to fill which each person was voted for;
4. The number of votes given at each precinct to each of such persons, and for and against each of such propositions;
5. The number of votes given in the county to each of such persons, and for and against each of such propositions.

Declaration of Result.

SEC. 1283. The Board must declare elected the person having the highest number of votes given for each office to be filled by the votes of a single county or subdivision thereof.

Certificates issued by Clerk.

SEC. 1284. The County Clerk must immediately make out and deliver to such person (except to the person elected County Judge), a certificate of election, signed by him and authenticated with the seal of the County Court.

District Returns, how Made up.

SEC. 1285. When there are officers other than Representatives in Congress voted for, who are chosen by the electors

of a district composed of two or more counties, each of the County Clerks of the counties composing such district, immediately after making out the statement specified in section twelve hundred and eighty-two, must make a certified abstract of so much thereof as relates to the election of such officers.

How Transmitted.

SEC. 1286. The Clerk must seal up such abstract, indorse it "Election Returns," and without delay transmit the same by mail to the County Clerk of the county which stands first in alphabetical arrangement in the list of counties composing such district.

Duty of Clerk receiving District Returns.

SEC. 1287. The Clerk to whom the election returns of a district are made must, on the twentieth day after such election, or sooner if returns from all the counties in the district have been received, open in public such returns, and from them and the statement of the vote for such officers in his own county:

1. Make a statement of the vote of the district for such officers, and file the same, together with the returns, in his office;

2. Transmit a certified copy of such statement to the Secretary of State;

3. Make out and deliver or transmit by mail to the persons elected a certificate of election (unless it is by law otherwise provided.)

State Returns, how Made.

SEC. 1288. When there has been a judicial election, or when there has been a general or special election for officers chosen by the electors of the State at large, each County Clerk, so soon as the statement of the vote of his county is made out and entered upon the records of the Board of Supervisors, must make a certified abstract of so much thereof as relates to the votes given for persons for offices to be filled at such judicial election, (except Justices of the Peace) or at such general or special elections.

How Transmitted.

SEC. 1289. The Clerk must seal up such abstract, indorse it "Election Returns," and without delay transmit it by mail to the Secretary of State.

Duty of Secretary of State, relative to.

SEC. 1290. On the sixtieth day after the day of election,

or so soon as the returns have been received from all the counties of the State, if received within that time, the Secretary of State must compare and estimate the vote, and make out and file in his office a statement thereof, and transmit a copy of such statement to the Governor.

Commissions issued by Governor.

SEC. 1291. Upon receipt of such copy, the Governor must issue commissions to the persons who from it appear to have received the highest number of votes for offices, except that of Governor and Lieutenant Governor, to be filled at such election.

Returns of Election for Governor and Lieutenant Governor, how Made.

SEC. 1292. When an election has been held to fill the office of Governor or Lieutenant Governor, the Clerk of each county, in addition to the abstract made for transmission to the Secretary of State, must, as soon as the statement of the vote of his county is made out and entered upon the records of the Board of Supervisors, make two certified abstracts of so much thereof as relates to the vote given for such officers.

How Transmitted.

SEC. 1293. The Clerk must seal up each abstract separately, and indorse thereon "Election Returns for Governor and Lieutenant Governor."

Same.

SEC. 1294. He must at once direct one copy to "The Speaker of the Assembly next to meet," address it to Sacramento, California, and deposit it, post paid, in the Post Office.

Same.

SEC. 1295. The other copy he must direct and address in the same manner, and at once deliver it to a member elect of the Legislature, or to a Senator who holds over; and the person to whom it is so delivered, must deliver it to the Speaker on or before the second day next after his election.

Canvass of returns of Election for Governor and Lieutenant Governor.

SEC. 1296. The returns of election for Governor and Lieutenant Governor must, during the first week of the session be opened, canvassed, and the result declared by the Speaker of the Assembly, in presence of both Houses.

Defects in form of Returns, when to be Disregarded.

SEC. 1297. No declaration of the result, commission or certificate must be withheld on account of any defect or informality in the return of any election, if it can with reasonable certainty be ascertained from such return what office is intended, and who is elected thereto.

CHAPTER XII.

Election for Electors of President and Vice President.

- SECTION 1307. Electors, when chosen.
- 1308. Returns, how made.
 - 1309. How transmitted.
 - 1310. Messenger, when Clerk may employ.
 - 1311. Proof of necessity for and approval of appointment of messenger.
 - 1312. Compensation of messenger.
 - 1313. Duties of Secretary of State relative to returns.
 - 1314. Duty of Governor.
 - 1315. Meeting of Electors.
 - 1316. Vacancies in, how supplied,
 - 1317. Voting by Electors, and returns.
 - 1318. Separate ballots for President and Vice-President.
 - 1319. Must make lists of persons voted for.
 - 1320. Result to be transmitted to the President of the United States Senate.
 - 1321. Compensation of Electors.
 - 1322. How audited and paid.

Electors, when Chosen.

SEC. 1307. At the general election in each bissextile or leap year, unless by the laws of the United States another time is fixed, and then at such time, there must be chosen by the qualified voters of the State, as many Electors of President and Vice President of the United States as the State is then entitled to.

NOTE.—See R. S. U. S. § 131, page 19, *ante*.

Returns, how Made.

SEC. 1308. The Clerk of each county, as soon as the statement of the vote of his county at such election is made out and entered on the records of the Board of Supervisors, must make a certified abstract of so much thereof as relates to the vote given for persons for Electors of President and Vice President of the United States.

How Transmitted.

SEC. 1309. The Clerk must seal up such abstract, indorse it "Presidential Election Returns," and without delay transmit it to the Secretary of State, by mail, or in the manner hereinafter prescribed.

Messenger, when Clerk may Employ.

SEC. 1310. If the County Clerk of any county has reason to believe that the abstract will not, in the due course of mail, reach the Secretary of State before the time fixed by law for canvassing the returns of such election, he may, with the approval of the County Judge, employ a person to convey and deliver such abstract to the Secretary of State.

Proof of necessity for and approval of Appointment of Messenger.

SEC. 1311. In the event provided for in the preceding section, the Clerk must make an affidavit setting forth the reasons for his belief, and the name of the person employed by him, which affidavit, with the approval of the County Judge indorsed thereon, must be given to the person appointed, and by him, with the abstract, must be delivered to the Secretary of State.

Compensation of Messenger.

SEC. 1312. The person appointed by the Clerk, after he delivers the abstract and statement, is entitled to receive as compensation, mileage at the rate of thirty cents a mile from the county seat to the seat of government. His account therefor, certified by the Secretary of State, must be audited by the Controller, and paid out of the General Fund in the State Treasury.

Duties of Secretary of State relative to Returns.

SEC. 1313. On the last Monday in the month of the election, or as soon as the returns have been received from all the counties in the State, if received before that time, the Secretary of State must compare and estimate the votes given for Electors, and certify to the Governor the names of the proper number of persons having the highest number of votes.

Duty of Governor.

SEC. 1314. The Governor must, upon the receipt of such certificate, transmit to each of such persons a certificate of election, and, on or before the day of their meeting, deliver to the Electors a list of the names of Electors, and must do

all other things required of him in the premises by any Act of Congress in force at the time.

Meeting of Electors.

SEC. 1315. The Electors chosen must assemble at the seat of government on the first Wednesday in December next after their election, at two o'clock in the afternoon.

Vacancies in, how Supplied.

SEC. 1316. In case of the death or absence of any Elector chosen, or in case the number of Electors from any cause be deficient, the Electors then present must elect, from the citizens of the State, so many persons as will supply such deficiency.

Voting by Electors, and Returns.

SEC. 1317. The Electors, when convened, must vote by ballot for one person for President and one person for Vice-President of the United States, one of whom, at least, is not an inhabitant of this State.

Separate Ballots for President and Vice-President.

SEC. 1318. They must name in their ballots the persons voted for as President, and in distinct ballots the persons voted for as Vice-President.

Must make Lists of Persons Voted for.

SEC. 1319. They must make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes given for each.

Result Transmitted to the President of the United States Senate.

SEC. 1320. They must certify, seal up, and transmit by mail such lists to the seat of government of the United States, directed to the President of the Senate.

Compensation of Electors.

SEC. 1321. Electors receive the same pay and mileage as is allowed to members of the Assembly.

How Audited and Paid.

SEC. 1322. Their accounts therefor, certified by the Secretary of State, must be audited by the Controller, who must draw his warrants for the same on the Treasurer, payable out of the General Fund.

CHAPTER XIII.

Elections for Members of Congress.

- ARTICLE. I. Election for Senators.
II. Election for Representatives.
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ARTICLE I.

Election for Senators.

- SECTION 1332. Election for full terms.
1333. Elections to fill vacancies.

Elections for Full Terms.

SEC. 1332. Election for Senators in Congress for full terms must be held at the regular session of the Legislature next preceding the commencement of the term to be filled.

NOTE.—See Const. U. S., art. 1, sec. 3, page 2, *ante*.

Elections to Fill Vacancies.

SEC. 1333. Elections to fill a vacancy in the term of a United States Senator must be held at the session of the Legislature next succeeding the occurrence of such vacancy.

ARTICLE II.

Elections of Representatives.

- SECTION 1343. When held.'
1344. Returns, how made.
1345. How transmitted.
1346. Duty of Secretary of State relative to.
1347. Certificates issued by Governor.

When Held.

SEC. 1343. At the general election in the year eighteen hundred and seventy-three, and at the general election every two years thereafter, there must be elected, for each Congressional District, one representative to the Congress of the United States.

NOTE.—This section is eclipsed by R. S. U. S. Sec. 26, page 12, *ante*.

Returns, how made.

SEC. 1344. The Clerk of each county, as soon as the statement of the vote of his county at such election is made out and entered on the records of the Board of Supervisors, must make a certified abstract of so much thereof as relates to the vote given for persons for Representatives to Congress.

How Transmitted.

SEC. 1345. The Clerk must seal up such abstract, indorse it "Congressional Election Returns," and without delay transmit it by mail to the Secretary of State.

Duty of Secretary of State Relative to.

SEC. 1346. On the sixtieth day after the day of election, or as soon as the returns have been received from all the counties of the State, if received within that time, the Secretary of State must compare and estimate the votes given for such Representatives, and certify to the Governor the person having the highest number of votes in each Congressional District as duly elected.

Certificates Issued by Governor.

SEC. 1347. The Governor must, upon the receipt of such certificate, transmit to each of such persons a certificate of his election ; sealed with the Great Seal and attested by the Secretary of State.

CHAPTER XIV.

Primary Elections.

SECTION 1357. Committees may by resolution elect to hold under election laws.

1358. Resolution, form of.

1359. Notice, form of.

1360. Challenges.

1361. None but qualified persons to participate.

1362. Returns, how made.

1363. Certificates of election, when issued by Board of Judges.

1364. Canvass of returns and certificate by committee.

1365. What provisions of law applicable to these elections.

Committees may by Resolution Elect to hold under Election Laws.

SEC. 1357, *as amended March 26, 1874, p. 74.* Any committee or body authorized by the rules or customs of a voluntary political association or organization to call elections of or for such association or organization, for any purpose, may by resolution adopted at the time of making the call, elect to have such elections conducted in accordance with the rules prescribed in sections 1083, 1084, 1144, 1145, 1146, 1147, 1148, 1162, 1163, 1164, 1174, 1175, 1192, 1193, 1194, 1195, 1196, 1199, 1200, 1201, 1202, 1203, 1224, 1227, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260.

Resolution, Form of.

SEC. 1358.* The resolution must declare:

1. The time and place of holding the election, and the hours between which the polls are to be kept open;
2. The names of the persons to constitute the Election Board.
3. The object of the election:
4. That such election will be held under the provisions of the primary election law;
5. The time and manner of the publication of notice of such election;
6. The qualifications required for voters in addition to those prescribed by law.

Notice, Form of.

SEC. 1359.* The notice of the election must be signed by the Secretary of the committee or body, and must contain a copy of the resolution, and must be published as directed in the resolution.

Challenges.

SEC. 1360.* In addition to the challenges allowed by law, any person offering to vote at such election may be challenged upon the ground, that he does not possess the other qualifications prescribed in the resolution, and such challenges must be tried and determined by the Board of Election, who to that end may administer an oath to such persons, and may ask them any question tending to prove or disprove the challenge.

*Those Sections which may relate to Primary Elections, are printed with a marginal line.

None but Qualified Persons to Participate.

SEC. 1361.* None but persons who possess the qualifications prescribed by law and by the resolution must vote or participate in any of the proceedings at such election.

Returns, how made.

SEC. 1362.* After counting the votes and signing the lists, the Judges must cause the ballots and one copy of the lists to be delivered to the Secretary signing the notice of election, and one of the Judges must retain the other lists for twenty days after the election.

Certificates of Elections, when Issued by Board of Judges.

SEC. 1363.* The Board of Election must issue certificates of election to all persons who are chosen to fill any position by the vote of one precinct alone.

Canvass of Returns and Certificate by Committee.

SEC. 1364.* The committee or body from which emanated the resolution calling the election may, under such rules as it adopts, open and canvass the returns, and issue certificates to persons chosen to fill positions by the voters of more than one precinct.

What Provisions of Law Applicable to these Elections.

SEC. 1365.* All of the provisions of Title IV, Part I, of the Penal Code, and all the provisions of the sections referred to in the first section of this Chapter, are applicable to elections held under the provisions of this Chapter from and after the last publication of the notice mentioned in section thirteen hundred and fifty-nine.

CHAPTER XV.

Government of Counties.

- SECTION 4000. Every county a body corporate.
 4006. Classification of counties.
 4007. Same.
 4022. Board of Supervisors.
 4023. Qualifications of Supervisors.
 4024. Term of office.
 4025. When number increased or decreased, what Board must do.
 4026. Vacancy in Board, how filled.
 4027. Members, how classified for election.
 4046. Power of Supervisors to create election precincts, etc.

*Those Sections which may relate to Primary Elections, are printed with a marginal line.

SECTION 4046. Supervisors power to divide counties into townships, school, road and other districts, etc.

- 4046. Supervisors power canvass returns, etc.
- 4064. Supervisors must provide appliances, etc., for election.
- 4065. Supervisors must issue and transmit certificates of election.
- 4101. Age, citizenship and residence of county officers.
- 4102. Same as to district and township officers.
- 4103. County officers enumerated.
- 4104. Township and other inferior officers.
- 4105. Offices united and consolidated.
- 4106. Consolidating offices by board.
Public Administrators failing to qualify.
- 4107. Omission to consolidate.
- 4108. Oath, bond, fees, etc,
- 4109. County officers except, when elected.
- 4110. County Judges and justices of peace.
- 4111. Supervisors, when elected.

Every County a Body Corporate.

SEC. 4000. Every county is a body politic and corporate, and as such has the powers specified in this Code, or in special statutes, and such powers as are necessarily implied from those expressed.

Classification of Counties.

SEC. 4006. For purposes other than for roads and highways, the counties of this State are classified as follows:

- 1 Those containing twenty thousand inhabitants or over, constitute the first class.
2. Those containing eight thousand and under twenty thousand inhabitants, constitute the second class.
3. Those containing less than eight thousand inhabitants, constitute the third class.

Same.

SEC. 4007. Whenever a new census is taken the counties, on the first day of July next thereafter, are, by operation of law, classified under such census.

Board of Supervisors.

SEC. 4022. Each county must have a Board of Supervisors, consisting:

1. In counties of the first class, of seven members.
2. In counties of the second class, of five members.
3. In counties of the third class, of three members.

NOTE.—City and County of San Francisco, see Act of April 2, 1856, p. 718, page 145, *post*. Amador County, see Act March 18, 1874, page 443; Humboldt County, see Act March 18, 1876, page 333.

Qualifications.

SEC. 4023. Each member of the Board of Supervisors must be an elector of the district he represents.

Term of Office.

SEC. 4024. The term of office of a Supervisor is three years.

NOTE.—In San Francisco two years, see Act April 2, 1866, p. 718, page 145, *post*.

When Number Increased or Decreased, what Board must do.

SEC. 4025. If, under the classification, the number of Supervisors of any county is either increased or diminished, the Board of Supervisors must re-district the county into Supervisor districts, as nearly equal in population as may be, to correspond with the number of supervisors to which it is, under the new classification, entitled. If the number is increased at the first general election thereafter, Supervisors must be elected for such new districts in which no Supervisors then acting, reside; and if the number is decreased, no successors must be elected for Supervisors, whose terms expire until the number is decreased to that to which the county is entitled.

Vacancy in Board, how Filled.

SEC. 4026. Whenever a vacancy occurs in the Board of Supervisors, from a failure to elect or otherwise, the County Judge must fill the vacancy by appointing for the unexpired term, some qualified Elector of the district in which the vacancy occurs.

Members, how Classified for Election.

SEC. 4027. The members of the Board of Supervisors must be by themselves so classified, that a number as nearly equal as may be, must be elected each year. The member longest in commission, is the chairman of the Board, and when two or more commissions expire at the same time, the Board must elect a chairman from those holding the oldest commissions. A Supervisor appointed to fill a vacancy, is not the holder of the oldest commission, under this section, unless all the Supervisors are similarly situated.

Power of Supervisors to Create Election Precincts, etc.

SEC. 4046. The Boards of Supervisors in their respective counties, have jurisdiction and power under such limitations and restrictions as are prescribed by law. * * *

To District County.

To divide the counties into townships, school, road and other districts required by law, change the same and create others as convenience requires.

To Create Election Precincts, Canvass Returns, Etc.

* * * * *

3. To establish, abolish, and change election precincts, and to appoint inspectors and judges of election, canvass all election returns, declare the result, and issue certificates thereof. * * * *

Supervisors must Provide Appliances, etc., for Elections.

SEC. 4064. The Board must provide all poll lists, poll books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances, for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers.

Must Issue and Transmit Certificates of Election.

SEC. 4065. Whenever, as canvassers, the Board of Supervisors have declared the result of an election held in the county, certificates must be by their Clerk issued to all persons elected to a county office, or to a township or district office therein, and such other certificates must be made out and transmitted as required by the title relative to "Elections."

Age, Citizenship, and Residence of County Officers.

SEC. 4101. No person is eligible to a county office who at the time of his election is not of the age of twenty-one years, a citizen of the State, and an elector of the county in which the duties of the office are to be exercised.

NOTE.—Women are eligible to educational offices. See Act March 12, 1874, page 356, page 90, *ante*.

Same as to District and Township Officers.

SEC. 4102. No person is eligible to a district or township office who is not of the age of twenty-one years, a citizen of the State, and an elector of the district or township in which the duties of the office are to be exercised or for which he is elected.

County Officers Enumerated.

SEC. 4103. The officers of the county are :

A County Judge;
A Treasurer;
A County Clerk;
An Auditor;
A Sheriff;
A Tax Collector;
A District Attorney;
A Recorder;
An Assessor;
A Surveyor;
A School Superintendent;
A Coroner;
A Public Administrator;
A Board of Supervisors; and
—In counties of the first class, for highway purposes :
A Commissioner of Highways.

Township and other Inferior Officers.

SEC. 4104. The officers of townships are two Justices of the Peace, two Constables, and such other inferior and subordinate officers as are provided for elsewhere in this Code, or by the Board of Supervisors.

NOTE.—See special Acts concerning certain counties, page 141, *post*.

Offices United and Consolidated.

SEC. 4105. In all the counties of the third class :

1. The County Clerk shall be *ex-officio* Auditor and Recorder.
2. The Sheriff elected shall be *ex-officio* Tax Collector; and
3. The Coroner shall be *ex-officio* Public Administrator.

Consolidating Offices by the Board.

SEC. 4106. By an ordinance adopted, recorded, and published at least three months prior to a general election, at which county officers are to be elected, the Board of Supervisors of Counties of the second class may unite and consolidate certain offices by declaring that:

1. The Recorder elected shall be *ex-officio* Auditor.
2. The County Clerk elected shall be *ex-officio* Auditor and Recorder.
3. The Sheriff elected shall be *ex-officio* Tax Collector. and

4. The Coroner elected shall be *ex-officio* Public Administrator.

Public Administrators Failing to Qualify.

SEC. 1.* If the Public Administrator of any county of this State fails to qualify, or in person fails to perform the duties of his office, the Coroner of such county shall be *ex-officio* Public Administrator, and in case both Public Administrator and Coroner fail to qualify, or to perform the duties appertaining thereto, the Supervisors shall appoint a suitable person to be Public Administrator, and all laws applicable to the qualification, powers, duties, and compensation of Public Administrator shall apply to the Coroner or appointee of the Supervisors as aforesaid.

Omission to Consolidate.

SEC. 4107. When there is an omission by the Board of Supervisors to consolidate, and to adverttse the consolidation of offices, as in the preceding section authorized, each office not so consolidated must be filled by an election.

Oath, Bond, Fees, etc.

SEC. 4108. When offices are united and consolidated either by the Code or by order of the Supervisors, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation affixed to the offices.

County Officers except, etc., When Elected.

SEC. 4109, *as amended December 23, 1873, p. 173.* All county and township officers, except judicial officers, assessors and supervisors, must be elected at the general election held in September, eighteen hundred and seventy-three, and every two years thereafter, and hold office for two years from the first Monday of March next after their election; and the officer now holding shall continue in office until the first Monday in March, A. D. eighteen hundred and seventy-four, except Assessors, as hereinafter provided. Assessors must be elected at the general election held in September, eighteen hundred and seventy-five, and every four years thereafter, and hold office for four years from the first Monday of March next after their election, except that in the city and county of San Francisco, the Assessor holds his office for the term of four years from the first Monday of December

* Of "An Act to provide for public administrator in certain cases," approved March 30, 1872, p. 796.

next after his election. Every Assessor now in office must hold his office and exercise the duties thereof, until his successor is elected at the general election in September, eighteen hundred and seventy-five. The provision of this section, as far as it relates to the election and term of office of Assessors, applies to every county and city in this State. *provided*, that the term of office of no city and county officer of the city and county of San Francisco shall be in anywise effected by reason of this act; and *provided further*, that nothing contained in this Act shall operate to extend the term of office of the present Assessor of El Dorado; Alameda, and San Joaquin Counties.

SCHEDULE OF LOCAL ACTS.

Concerning Various Offices in Following Named Counties.

- Alameda, Act of February 10, 1874, page 90.
- Alameda, Act of February 27, 1874, page 185.
- Alameda, Act of March 8, 1876, page 166.
- Amador, Act of March 18, 1874, page 443.
- Amador, Act of March 20, 1876, page 370.
- Butte, Act of March 27, 1874, page 735,
- Butte, Act of April 3, 1876, page 906.
- Calaveras, Act of February 28, 1876, page 78.
- Calaveras, Act of March 7, 1876, page 141.
- Contra Costa, Act of February 28, 1872, page 170.
- Del Norte, Act of March 30, 1872, page 757.
- Del Norte, Act of January 2, 1874, page 12.
- El Dorado, Act of March 30, 1874, page 872.
- El Dorado, Act of March 30, 1874, page 825.
- El Dorado, Act of April 1, 1876, page 681.
- Fresno, Act of March 8, 1876, page 151.
- Fresno, Act of March 20, 1876, page 363.
- Humboldt, Act of March 18, 1876, page 333.
- Kern, Act of March 8, 1876, page 151.
- Kern, Act of March 20, 1876, page 363.
- Lake, Act of March 31, 1876, page 599.
- Los Angeles, Act of December 22, 1875, page 3.
- Mendocino, Act of January 8, 1872, page 17.
- Mendocino, Act of January 23, 1874, page 33.
- Merced, Act of March 26, 1874, page 660.
- Monterey, Act of March 3, 1876, page 124.
- Napa, Act of February 25, 1874, page 158.
- Napa, Act of March 10, 1874, page 329.
- Placer, Act of March 27, 1874, page 709.
- Placer, Act of March 13, 1874, page 347.
- Placer, Act of March 28, 1874, page 775.

Placer, Act of March 30, 1876, page, 573.
 San Bernardino, Act of February 17, 1874, page 111.
 San Bernardino, Act of March 27, 1876, page 488.
 San Diego, Act of March 30, 1876, page 558.
 San Diego, Act of March 2, 1872, page 191.
 San Francisco, Act of April 2, 1866, page 718, etc. page 145, *post*.
 San Joaquin, Act of March 26, 1874, page 692.
 San Joaquin, Act of March 18, 1874, page 466.
 San Luis Obispo, Act of March 31, 1876, page 608.
 San Luis Obispo, Act of March 27, 1876, page 493.
 San Mateo, Act of March 18, 1874, page 479.
 San Mateo, Act of March 28, 1874, page 779.
 Santa Clara, Act of February 10, 1876, page 35.
 Santa Clara, Act of March 25, 1876, page 610.
 Santa Cruz, Act of March 30, 1876, page 576.
 Solano, Act of March 27, 1872, page 624.
 Solano, Act of January 28, 1876, page 14.
 Sonoma, Act of March 16, 1874, page 382.
 Sonoma, Act of April 1, 1876, page 726.
 Stanislaus, Act of March 4, 1874, page 227.
 Stanislaus, Act of March 18, 1874, page 448.
 Stanislaus, Act of March 23, 1874, page 537.
 Tehama, Act of March 30, 1874, page 816.
 Tehama, Act of March 30, 1874, page 796.
 Tehama, Act of March 11, 1876, page 232.
 Tulare, Act of March 8, 1876, page 151.
 Tulare, Act of March 20, 1876, page 363.
 Tulare, Act of February 4, 1874, page 60.
 Tuolumne, March 18, 1874, page 453.
 Tuolumne, Act of February 10, 1876, page 45.
 Tuolumne, Act of February 24, 1874, page 154.

County Judges and Justices of the Peace.

SEC. 4110. The election and terms of office of County Judges and Justices of the Peace, are provided for in Title I of the Code of Civil Procedure. § 83 to 113.

NOTE—See pages 88, 89 *ante*. Also for election of Justices of the Peace in San Francisco. See Act of April 2, 1866, p. 718, page 145, *post*.

Supervisors, when Elected.

SEC. 4111. In counties of the third class, one Supervisor is elected each year at the general election, when it occurs, and on the corresponding day of the alternate year when no general election occurs; in the counties of the first and second classes, a number of Supervisors as nearly equal as may be, to be determined by the Board, are elected every year, at the same times as specified herein for counties of the third class.

TITLE III, CHAPTER I.

Government and Elections for Officers for Cities.

- SECTION 4354. General powers.
4355. Distribution of powers.
4356. City declared by Legislature.
4357. Boundaries, how changed.
4366. Act to fix time of election.
4367. First election, when and how held.
4368. Who are city electors.
4369. Officers.
4370. Officers of cities.
4373. Vacancies in office.

General Powers.

SEC. 4354. A city is a body politic and corporate, with the general powers of a corporation, and the powers, specified or necessarily implied in this Title or in Special Laws.

Distribution of Powers.

SEC. 4355. Every city has legislative, executive and judicial powers. Its legislative power is vested in a common council, its executive power in a Mayor and his subordinate officers, and its judicial power in a Police Court.

City Declared by Legislature.

SEC. 4356. Every subdivision of a county not exceeding in extent six square miles, with not less than two thousand inhabitants, with its metes and bounds fixed and defined, and declared by Act of the Legislature to be a "municipal corporation," is a city with the powers conferred by this title.

Boundaries, how Changed.

SEC. 4357. The boundary of a city may be changed by an Act of the Legislature, on petition of a majority of the Common Council, presented in pursuance of a city ordinance, or as hereinafter provided by the Board of Supervisors.

Act to fix Time of Election.

SEC. 4366. The Act of the Legislature declaring a city to be a "municipal corporation," must fix a day for the first election of city officers, and fix the number of members of the "Common Council" to be elected for the first year.

First Election, when and how Held.

SEC. 4367. Notice of the first election of city officers must be given by the County Judge of the county, by publishing the same in a newspaper published in the city for four weeks successively, designating the officers to be elected, the polling places, and the officers of election. The returns must be made to the County Judge, who must count and declare the vote, and issue certificates of election.

Who are City Electors.

SEC. 4368. The qualified electors of the city who have resided within the city limits for thirty days next preceding the election are qualified to vote at all city elections.

Officers.

SEC. 4369, *as amended March 30, 1874*—p. 57. The Common Council must, during the first year, by ordinance, fix the term of office of all elective officers, and the time when they must be elected, and provide for the appointment of other necessary officers, including City Clerk, City Attorney, and Treasurer, and fix their terms and amount of their bonds.

Officers of Cities.

SEC. 4370, *as amended March 30, 1874*—p. 58. The elective officers of cities are: Mayor, a Marshal, a Police Judge, Assessor and Collector of Taxes, and a Common Council, consisting of not less than three members. They must be electors of the city, and qualify by taking the statutory oath of office, and, except the first officers elected, hold office for a term to be fixed by the Common Council, not exceeding two years.

Vacancies in Office.

SEC. 4373. If any person elected to a city office removes from the city, absents himself for more than thirty days without leave from the Council, or fails to qualify within ten days after election, his office is vacant.

ELECTION FOR MUNICIPAL OFFICERS IN SAN FRANCISCO.

- SECTION 1. Election of Officers.
2. Of Judges.
3. Election days.

- SECTION 4. Officers, when elected; terms of office.
 2. Terms of certain officers extended.
 3. Supervisors and School Directors.
 5. A general election in 1867.
 6. Election of Justices of the Peace.
 7. Of Harbor Commissioner.
 8. Present officers to serve their full term.
 9. Election proclamation.
 10. New official bonds.
 11. Repeal.
 8. Fire Commissioners.

Elections for Municipal Officers in San Francisco.

("An Act to change the time for holding municipal elections in the city and county of San Francisco, and to define the official terms of certain officers therein mentioned.")—Approved April 2, 1866, p. 718.

Election of Officers.

SEC. 1. There shall be elected hereafter for the city and county of San Francisco by the qualified electors thereof, at the times hereinafter mentioned, and in the manner prescribed by law for the election of State and county officers, one Mayor, who shall be *ex-officio* President of the Board of Supervisors, a County Judge*, Police Judge, an Attorney and Counsellor, Probate Judge, District Attorney, Sheriff, County Clerk, Recorder, Treasurer, Auditor, Tax Collector, Assessor†, Coroner, Public Administrator, Surveyor, Superintendent of Common Schools, Superintendent of Public Streets, Highways and Squares, Chief of Police, Harbor Master and State Harbor Commissioner. There shall be elected in each of the twelve present election districts of said city and county, which shall hereafter constitute municipal districts, and be designated and known in law as wards, by the qualified electors thereof‡ one Supervisor and one School Director.

Of Judges.

SEC. 2. The County Judge, Probate Judge and Police Judge shall be elected at the special judicial elections, and shall hold their offices as provided by law.

NOTE.—See page 88-89, *ante*.

*NOTE. For election of County Judge, Judge of Municipal Criminal Court and Judge of City Criminal Court, see page 88-89, *ante*.

†NOTE. See §4109, page 140, *ante*.

‡NOTE.—Amended as to election of Supervisors and School Directors by plurality of all votes cast in city and county of San Francisco. See §3, Act March 30, 1872, p. 329, page 146, *post*.

Election Days.

SEC. 3. All elections for city and county officers, except as provided in section two of this Act, shall be held in said city and county on the days prescribed by law for holding the general elections throughout the State, except in the years when no general election is provided for by law, when elections for city and county officers shall be held on the first Wednesday of September of said years.

NOTE.—See § 1041, page 92, *ante*.

Officers, When Elected: Terms of Office.

SEC. 4, *as amended March 30, 1872, p. 729.* At the general election to be held in the year eighteen hundred and seventy-three, and at the general election to be held every second year thereafter, there shall be elected an Attorney and Counselor for said city and county, an Auditor, a Tax Collector, a Public Administrator, a Superintendent of Public Streets, Highways and Squares, Chief of Police, a Superintendent of Common Schools, and one* Fire Commissioner, and for each of the First, Third, Fifth, Seventh, Ninth and Eleventh Wards one Supervisor and one School Director, who shall respectively hold their offices for the term of two years from and after the first Monday of December next subsequent to their election and until their successors are elected and qualified, and the present incumbents of the respective offices named in this Act shall hold their offices until their successors are elected and qualified.

Terms of Certain Officers Extended.

SEC. 2, *of "An Act, etc.," approved March 30, 1872. p. 729.* On or before the first Monday of December, 1872, the officers whose terms of office are hereby extended or continued shall respectively execute and file, in accordance with the statutes regulating the same, their several official bonds for the faithful performance of the duties of their respective offices from the first Monday in December, 1872, and until their respective successors are elected and qualified pursuant to the provisions of this Act.

Supervisors and School Directors.

SEC. 3, *of "An Act, etc.," approved March 30, 1872. p. 329.* The Supervisor of each Ward shall be a resident and qualified elector thereof, and shall be designated as the

*NOTE.—Amended as to Fire Commissioners by "An Act providing a paid Fire Department for the City and County of San Francisco," approved March 2, 1874, p. 943, page 148, *post*.

Supervisor of the Ward from which he is elected. The School Directors may be elected from the resident and qualified electors of the city and county without reference to the location of their residence. The Supervisors and School Directors shall be elected by a plurality of all the votes cast at said elections in the city and county of San Francisco.

At General Election in 1867.

SEC. 5, of "*An Act, etc.*," approved April 2, 1866, page 719. At the second election held under this Act, on the day of the general election held in the year eighteen hundred and sixty-seven, and at the election held every second year thereafter, there shall be elected a Mayor, who shall be ex-officio President of the Board of Supervisors; a District Attorney, a Sheriff, a County Clerk, a Recorder, a Treasurer, an *Assessor, a Coroner, a Surveyor, a Superintendent of Common Schools, a †Harbor Master, and in each of the Second, Fourth, Sixth, Eighth, Tenth and Twelfth Wards one Supervisor and one School Director, who shall hold their offices for the term of two years from and after the first Monday of December subsequent to their election and until their successors are elected and qualified.

Election of Justices of the Peace.

SEC. 6. In and for the city and county at large at the general election in the year eighteen hundred and sixty-seven, and at the general election every two years thereafter, there shall be chosen by the qualified electors of said city and county five Justices of the Peace, to hold office for the term now prescribed by law; and all laws are repealed which require or authorize Justices to be elected at a special judicial election.

NOTE.—See Act of March 30, 1872, page 758. See § 113, page 89, *ante*.

Of Harbor Commissioner.

SEC. 7. Superceded by the following:

SEC. 2520 of *Political Code*, as amended February 28, 1876, page 32. As soon as may be after the passage of this Act, the Governor, by and with the consent of the Senate, shall appoint three State Harbor Commissioners who shall hold office one for two years, one for three years and one for four years from the date of their respective commissions. The Governor shall in like manner at the expiration of their respective terms appoint and commission their successors for a full term of four years, excepting in case of vacancy occurring in the board by resignation or otherwise, to fill

*NOTE.—For Assessor see § 4109, page 140, *ante*. † See next page.

which he shall appoint a commissioner for the unexpired portion of the term.

Office of Harbor Master Abolished.

SEC. 3.* The present Harbor Master of the city and county of San Francisco shall continue in office as such until the end of the term for which he was elected. * *

At the end of said term said office shall become extinct. *

Present Officers to Serve Their Full Term.

SEC. 8. All of the present city and county officers, as designated in sections four, five and seven of this Act, and the State Harbor Commissioner, as designated in section eight, shall continue in office during the entire term for which they were elected and until their successors are elected and qualified, as provided for in this Act, *provided*, that any officer elected or appointed to fill a vacancy which may in any manner occur shall serve only during the unexpired term of his predecessor, and until his successor is elected and qualified.

Election Proclamation.

SEC. 9. It is hereby made the duty of the Mayor to issue his proclamation by publication in not less than three daily newspapers published in said city and county, at least ten days previous to the day in each year on which the election is to be held under this Act, calling upon the qualified voters in said city and county to meet in their respective districts for the purpose of electing such officers as are provided for in this Act, reciting in such proclamation the different officers to be elected at such election.

SEC. 10. Hold over officers shall give New Official Bonds.

Repeal.

SEC. 11. An Act entitled "An Act to change the time for holding municipal elections in the city and county of San Francisco, and to define the official terms of certain officers therein mentioned," approved April 22, 1861, and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Fire Commissioners.

SEC. 8.† The persons composing the present Board of Fire Commissioners shall continue in office as such Commissioners until the expiration of their present terms of office respectively, except in the case of the person elected or appointed to fill the vacancy occasioned by the resignation

*NOTE.—Of "An Act concerning the State Harbor Commissioners, and for other purposes," approved March 30, 1874, page 910.

NOTE.—Of "An Act providing a paid Fire Department in the city and county of San Francisco," approved March 2, 1864, page 943.

of John C. Merrill, who shall continue in office only until the first Monday in December, eighteen hundred and seventy-five, when he shall be succeeded by the person elected by the people of said city and county at the general election to be held that year, as hereinafter provided. At the general election to be held in said city and county in the year one thousand eight hundred and seventy-five, there shall be elected by the qualified electors thereof three persons as Fire Commissioners, to hold office for the term of four years each, from the first Monday of December of said year, who shall enter upon the discharge of their duties as such Fire Commissioners upon that date, and shall hold office until their successors are elected and qualified. At the general election to be held in the year one thousand eight hundred and seventy-seven, there shall be elected by the qualified voters of said city and county two persons as Fire Commissioners, to hold office for the term of four years each, from the first Monday of December next ensuing, and until their successors are elected and qualified; and at every general election thereafter there shall be elected by the qualified voters of said city and county one or more persons (as the case may be) as Fire Commissioners, to fill vacancies then existing in unexpired terms, or for full terms of four years each, or for both such terms as may be found necessary. Should any vacancy occur in the office of Fire Commissioner by death, resignation, or otherwise, the Board of Supervisors of said city and county, shall appoint some suitable person to fill the same until the next general election, when a person shall be elected as Fire Commissioner for the unexpired term, by the qualified electors of said city and county.

PRELIMINARY PROVISIONS
OF THE
PENAL CODE.

SECTION 17. Felony and misdemeanor defined.

18. Punishment of felony when not otherwise prescribed.

19. Punishment of misdemeanor when not otherwise prescribed.

24.* This Act, how cited, etc.

Felony and Misdemeanor Defined.

SEC. 17, as amended March 7, 1874, p. 455. A felony is a crime which is punishable with death, or by imprisonment in the State Prison. Every other crime is a misdemeanor. When a crime, punishable by imprisonment in the State Prison, is also punishable by fine or imprisonment in a county jail, in the discretion of the Court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the State Prison.

Punishment of Felony when not otherwise Prescribed.

SEC. 18. Except in cases where a different punishment is prescribed by this Code, every offense declared to be a felony is punishable by imprisonment in the State Prison not exceeding five years.

Punishment of Misdemeanor when not Otherwise Prescribed.

SEC. 19. Except in cases where a different punishment is prescribed by this Code, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding five hundred dollars, or by both.

This Act, how Cited.

SEC. 24. This Act, whenever cited, enumerated, referred to, or amended, may be designated simply as "THE PENAL CODE," adding, when necessary, the number of the section.

PART I, TITLE IV,
OF THE
P E N A L C O D E .

Of Crimes Against the Elective Franchise.

- SECTION 41. Violation of election laws by certain officers, a felony.
- 42. Fraudulent registration a felony.
 - 43. Refusal to be sworn by or to answer questions of Board of Judges of Election a misdemeanor.
 - 44. Refusal to obey summons of Board of Registration a misdemeanor.
 - 45. Voting without being qualified, voting twice, and other election frauds, felonies.
 - 46. Attempting to vote without being qualified.
 - 47. Procuring illegal voting a misdemeanor.
 - 48. Changing ballots or altering returns by election officers, felonies.
 - 49. Inspectors unfolding or marking tickets guilty of a misdemeanor.
 - 50. Forging or altering returns a felony.
 - 51. Adding to or subtracting from votes given a felony.
 - 52. Persons aiding and abetting or concealing guilty of felony.
 - 53. Intimidating, corrupting, deceiving, or defrauding electors, a misdemeanor.
 - 54. Furnishing money for elections, except for specified purposes.
 - 55. Unlawful offers to procure offices for electors.
 - 56. Communicating such offer.
 - 57. Bribing or offering to bribe members of legislative caucuses, etc.
 - 58. Preventing public meetings.
 - 59. Disturbance of public meetings, misdemeanor.
 - 60. Betting on elections.
 - 61. Violation of election laws by persons not officers.
 - 62. Persons printing or circulating illegal tickets guilty of misdemeanor.

Violation of Election Laws by Certain Officers a felony.

SEC. 41.* Every person charged with the performance of any duty under the provisions of any law of this State rela-

*Those Sections which may relate to Primary Elections, are printed with a marginal line.

ting to elections, who willfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudently acts in contravention or violation of any of the provisions of such laws, is, unless a different punishment for such acts or omissions is prescribed by this Code, punishable by fine not exceeding one thousand dollars, or by imprisonment in the State Prison not exceeding five years, or by both.

Fraudulent Registration a Felony.

SEC. 42.* Every person who willfully causes, procures, or allows himself to be registered in the Great Register of any county, knowing himself not to be entitled to such registration, is punishable by a fine not exceeding one thousand dollars, or by imprisonment in the County Jail or State Prison not exceeding one year, or by both. In all cases where, on the trial of a person charged with any offense under the provisions of this section, it appears in evidence that the accused stands registered in the Great Register of any county, without being qualified for such registration, the Court must order such registration to be canceled.

Stats. 1866, p. 299, Sec. 34.

Refusal to be Sworn by or to Answer Questions of Board of Judges of Election a misdemeanor.

SEC. 43.* *As amended March 30, 1874, p. 423.* Every person who, after being required by the Board of Judges at any election, refuses to be sworn, or, being sworn, refuses to answer any pertinent question propounded by such Board, touching the right of another to vote, is guilty of a misdemeanor.

Stats. 1866, p. 511, Sec. 15.

Refusal to Obey Summons of Board of Registration, a misdemeanor.

SEC. 44.* Every person summoned to appear and testify before any Board of Registration, who willfully disobeys such summons is guilty of a misdemeanor.

Stats. 1866, p. 652, Sec. 15.

Voting without being Qualified, Voting Twice, and other Election Frauds, Felonies.

SEC. 45.* Every person not entitled to vote, who fraudulently votes, and every person who votes more than once at

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any one election, or knowingly hands in two or more tickets folded together, or changes any ballot after the same has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots lawfully polled, other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or carries away or destroys, or attempts to carry away or destroy, any poll list, or ballots, or ballot box, for the purpose of breaking up or invalidating such election, or willfully detains, mutilates, or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly had and lawfully conducted, is guilty of a felony.

Stats. 1855, p. 296, Sec. 1; 1858, p. 165, Sec. 1.

Attempting to Vote without being Qualified.

SEC. 46.* Every person not entitled to vote, who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any election, is guilty of a misdemeanor.

Stats. 1850, p. 111, Sec. 101.

Procuring Illegal Voting a Misdemeanor.

SEC. 47.* Every person who procures, aids, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, is guilty of a misdemeanor.

Stats. 1866, p. 511, Sec. 8.

Changing Ballots or Altering Returns by Election Officers, Felonies.

SEC. 48.* Every officer or Clerk of Election who aids in changing or destroying any poll list, or in placing any ballots in the ballot box, or in taking any therefrom, or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or

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mix with, the ballots polled, any other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allows another to do so when in his power to prevent it, or carries away or destroys, or knowing allows another to carry away or destroy any poll list, ballot box, or ballots lawfully polled, is punishable by imprisonment in the State Prison for not less than two nor more than seven years.

Stats. 1858, p. 165, Sec. 2.

Inspectors Unfolding or Marking Tickets, guilty of a Misdemeanor.

SEC. 49.* Every Inspector, Judge, or Clerk of an election who, previous to putting the ballot of an elector in the ballot box, attempts to find out any name on such ballot, or who opens, or suffers the folded ballot of any elector which has been handed in to be opened or examined previous to putting the same into the ballot box, or who makes or places any mark or device on any folded ballot with the view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such Inspector, Judge, or Clerk has fraudulently or illegally discovered to have been voted for by such elector, is punishable by fine, not less than fifty nor more than five hundred dollars.

Stats. 1863, p. 398, Sec. 1.

Forging or Altering Returns a Felony.

SEC. 50.* Every person who forges or counterfeits returns of an election purporting to have been held at a precinct, town, or ward where no election was in fact held, or willfully substitutes forged or counterfeit returns of election in the place of the true returns, for a precinct, town or ward where an election was actually held, is punishable by imprisonment in the State Prison for a term not less than two nor more than ten years.

Stats. 1863, p. 399, Sec. 1.

Adding to or Subtracting from Votes given, a Felony.

SEC. 51.* Every person who willfully adds to or subtracts from the votes actually cast at an election, in any returns, or who alters such returns, is punishable by imprisonment in the State Prison for not less than one nor more than five years.

Stats. 1863, p. 399, Sec. 1.

*Those Sections which may relate to Primary Elections, are printed with a marginal line.

Persons aiding or Abetting, or concealing, guilty of Felony.

SEC. 52,* *as amended March 30, 1874, p. 423.* Every person who aids or abets in the commission of any of the offenses mentioned in the four preceding sections, is punishable by imprisonment in the County Jail for the period of six months, or in the State Prison not exceeding two years.

Intimidating, Corrupting, Deceiving or Defrauding Electors, a Misdemeanor.

SEC. 53*. Every person who, by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly attempts to influence any elector in giving his vote, or to deter him from giving the same, or attempts by any means whatever to awe, restrain, hinder or disturb any elector in the free exercise of the right of suffrage, or furnishes any elector wishing to vote, who cannot read, with a ticket, informing or giving such elector to understand that it contains a name written or printed thereon, different from the name which is written or printed thereon, or defrauds any elector at any such election, by deceiving and causing such elector to vote for a different person for any office than he intended or desired to vote for; or who, being Inspector, Judge, or Clerk of any election, while acting as such, induces, or attempts to induce, any elector, either by menace or reward, or promise thereof to vote differently from what such elector intended or desired to vote, is guilty of a misdemeanor.

Stats. 1850, p. 110, Sec. 98.

Furnishing Money for Elections, except for Specified Purposes.

SEC. 54* Every person who, with intent to promote the election of himself or any other person, either:

1. Furnishes entertainment at his expense to any meeting of electors previous to or during an election;

2. Pays for, procures, or engages to pay for any such entertainment;

3. Furnishes or engages to pay or deliver any money or property for the purpose of procuring the attendance of voters at the polls, or for the purpose of compensating any person for procuring attendance of voters at the polls, except for the conveyance of voters who are sick or infirm;

4. Furnishes or engages to pay or deliver any money or property for any purpose intended to promote the election of any candidate, except for the expenses of holding and

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conducting public meetings for the discussion of public questions, and of printing and circulating ballots, handbills, and other papers previous to such election;

Is guilty of a misdemeanor.

Same, Unlawful Offers to Procure Offices for Electors.

SEC. 55.* Every person who, being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, as an inducement or consideration to any person to vote for, or procure or aid in procuring the election of such candidate, is guilty of a misdemeanor.

Communicating such Offer.

SEC. 56.* Every person, not being a candidate, who communicates any offer made in violation of the last section to any person, with intent to induce him to vote for, or to procure or aid in procuring the election of the candidate making the offer, is guilty of a misdemeanor.

Bribing or Offering to Bribe Members of Legislative Caucuses, etc.

SEC. 57.* Every person who gives or offers a bribe to any officer or member of any legislative caucus, political convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit in this State, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than to another, and every person, member of either of the bodies in this section mentioned, who receives or offers to receive any such bribe, is punishable by imprisonment in the State Prison not less than one nor more than fourteen years.

Preventing Public Meetings.

SEC. 58.* Every person who by threats, intimidation or unlawful violence, willfully hinders or prevents electors from assembling in public meeting for the consideration of public questions, is guilty of a misdemeanor.

Disturbance of Public Meetings, Misdemeanor.

SEC. 59.* Every person who willfully disturbs or breaks up any public meeting of electors or others, lawfully being held for the purpose of considering public questions, is guilty of a misdemeanor.

*Those Sections which may relate to Primary Elections, are printed with a marginal line.

Betting on Elections.

SEC. 60.* Every person who makes, offers, or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast either in the aggregate or for any particular candidate, or upon the vote to be cast by any person, is guilty of a misdemeanor.

Violation of Election Laws by Persons not Officers.

SEC. 61.* Every person who willfully violates any of the provisions of the laws of this State relating to elections is, unless a different punishment for such violation is prescribed by this Code, punishable by a fine not exceeding one thousand dollars, or by imprisonment in the State Prison not exceeding five years, or by both.

Persons Printing or Circulating Illegal Tickets Guilty of a Misdemeanor.

SEC. 62, as amended March 23, 1874, p. 456. Every person who prints any ticket not in conformity with section one thousand one hundred and ninety-one of the Political Code, or who circulates or gives to another any ticket, knowing at the time that such ticket does not conform to the provisions of section one thousand one hundred and ninety-one of the Political Code, is guilty of a misdemeanor.

Sale, Donation or Furnishing of Intoxicating Liquors on Election Days Prohibited.

SEC. 1.† It shall not be lawful for any person or persons keeping a public house, saloon or drinking place, either licensed or unlicensed, to sell, give away or furnish spirituous or malt liquors, wine, or any other intoxicating beverages, on any part of any day set apart, or to be set apart, for any general or special election, by the citizens in any election district or precinct in any of the counties of the State, where an election is in progress, during the hours when by law in said district or precinct the election polls are required to be kept open.

Penalty.

SEC. 2.† Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor.

†Of an Act to prevent the sale of intoxicating beverages on election days, approved March 7, 1874, p. 297.

*Those Sections which may relate to Primary Elections, are printed with a marginal line.

TITLE II, OF PART III,
OF THE
CODE OF CIVIL PROCEDURE.

Of Contesting Certain Elections.

- SECTION 1111. Who may contest, and grounds of contest.
1112. Irregularity and improper conduct of judges, when to annul elections.
1113. When not to.
1114. Illegal votes, when not to vitiate election.
1115. Proceedings on contest.
1116. Statement of cause of contest. When based on reception of illegal votes, contestant to deliver to respondent a list of votes claimed to be illegal.
1117. Statement of cause of contest; want of form not to vitiate.
1118. County Judge to hold special term for trial of contest.
1119. Clerk to issue citation to respondent.
1120. Witnesses ; attendance of ; how enforced.
1121. Power of Court. Adjournment of Court.
1122. Rules to govern Court in trial of contest.
1123. Court may declare who was elected.
1124. Fees of officers and witnesses.
1125. Costs.
1126. Appeal.
1127. When election void and office vacant.

Who May Contest, and on What Grounds.

SEC. 1111, *as amended March 11, 1876.* Any elector of a county, city and county, city, or of any political subdivision of either, may contest the right of any person declared elected to an office to be exercised therein, for any of the following causes:

First—For malconduct on the part of the Board of Judges or any member thereof.

Second—When the person whose right to the office is contested was not, at the time of the election, eligible to such office.

Third—When the person whose right is contested has given to any elector or Inspector, Judge or Clerk of the election, any bribe or reward, or has offered any such bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise defined in Title Four, Part One of the Penal Code.

Fourth—On account of illegal votes.

Stats. 1850, 101, § 51. *Kirk v. Rhodes*, 46 Cal. 398.

Irregularity and Improper Conduct of Judges, When to Annul Elections.

SEC. 1112. No irregularity or improper conduct in the proceedings of the judges, or any of them, is such malconduct as avoids an election, unless the irregularity or improper conduct is such as to procure the person whose right to the office is contested to be declared elected when he had not received the highest number of legal votes.

Stats. 1850, 101, § 52, substantially the same.

When Not To.

SEC. 1113. When any election held for an office exercised in and for a county is contested on account of any malconduct on the part of the Board of Judges of any township election, or any member thereof, the election cannot be annulled and set aside upon any proof thereof, unless the rejection of the vote of such township or townships would change the result as to such office in the remaining vote of the county.

Stat. 1850, 101, § 53.

Illegal Votes, When Not to Vitate Election.

SEC. 1114. Nothing in the fourth ground of contest, specified on section eleven hundred and eleven, is to be so construed as to authorize an election to be set aside on account of illegal votes, unless it appear that a number of illegal votes has been given to the person whose right to the office is contested, which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

Stat. 1850, 101, sec. 54.

Proceedings on Contest.

SEC. 1115. When an elector contests the right of any person declared elected to such office, he must within forty

days after the return day of the election, file with the county clerk a written statement, setting forth specifically:

1. The name of the party contesting such election, and that he is an elector of the district, county or township, as the case may be, in which such election was held.

2. The name of the person whose right to the office is contested.

3. The office.

4. The particular grounds of such contest.

Which statement must be verified by the affidavit of the contesting party, that the matters and things therein contained are true.

Stat. 1851, 182, sec. 10, substantially the same, 43 Cal. 239.

Statement of Cause of Contest. When Based on Reception of Illegal Votes, Contestant to Deliver to Respondent a List of Votes Claimed to be Illegal.

SEC. 1116. When the reception of illegal votes is alleged as a cause of contest, it is sufficient to state generally that in one or more specified townships illegal votes were given to the person whose election is contested, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office; but no testimony can be received of any illegal votes, unless the party contesting such election deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes, and by whom given, which he intends to prove on such trial; and no testimony can be received of any illegal votes except such as are specified in such list.

Stat. 1850, 101, sec. 57, substantially the same.

Statement of Cause of Contest; Want of Form not to Vitate.

SEC. 1117. No statement of the grounds of contest will be rejected, nor the proceedings dismissed by any court for want of form, if the grounds of contest are alleged with such certainty as will advise the defendant of the particular proceeding or cause for which such election is contested.

Stat. 1850, 101, sec. 58, substantially the same. 43 Cal. 486.

County Judge to hold Special Term for Trial of Contest.

SEC. 1118. Upon the statement being filed, the County Clerk must inform the Judge of the County Court, who must give notice and order a special term of Court to be held at the Court House of the proper county, on some day

to be named by him, not less than ten nor more than twenty days from the date of such notice, to hear and determine such contested election.

Stat. 1855, 161, sec. 8.

Clerk to issue Citation to Respondent.

SEC. 1119. The Clerk must also, at the same time, issue a citation for the person whose right to the office is contested, to appear at the time and place specified in the notice, which citation must be delivered to the Sheriff and be served upon the party in person, or, if he cannot be found, by leaving a copy thereof at the house where he last resided.

Stat. 1850, 101, sec. 60.

Witnesses—Attendance of, how Enforced.

SEC. 1120. The Clerk must issue subpoenas for witnesses at the request of either party, which must be served as other subpoenas; and the County Court has full power to issue attachments to compel the attendance of witnesses who have been subpoenaed to attend..

Stat. 1855, 161, sec. 9, substantially the same.

Power of Court. Adjournment of Court.

SEC. 1121. The Court must meet at the time and place designated to determine such contested election, and shall have all the powers necessary to the determination thereof. It may adjourn from day to day until such trial is ended, and may also continue the trial, before its commencement, for any time not exceeding twenty days, for good cause shown by either party upon affidavit, at the costs of the party applying for such continuance.

Stat. 1850, 101, sec. 62.

Rules to Govern Court in Trial of Contest.

SEC. 1122. The Court must be governed, in the trial, and determination of such contested election, by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable; and may dismiss the proceedings if the statement of the cause or causes of the contest is insufficient, or for want of prosecution. After hearing the proofs and allegations of the parties, the Court must pronounce judgment in the premises, either confirming or annulling and setting aside such election.

Stat. 1850, 101, sec. 63.

Court may Declare who was Elected.

SEC. 1123. If in any such case it appears that another person than the one returned has the highest number of legal votes, the Court must declare such person elected.

Stat. 1850, 101, sec. 64.

Fees of Officers and Witnesses.

SEC. 1124. The Clerk, Sheriff and witnesses shall receive, respectively, the same fees, from the party against whom judgment is given, as are allowed for similar services in the District Court.

Stat. 1850, 101, sec. 65.

Costs.

SEC. 1125. If the proceedings are dismissed for insufficiency, or want of prosecution, or the election is by the Court confirmed, judgment must be rendered against the party contesting such election, for costs, in favor of the party whose election was contested; but if the election is annulled and set aside, judgment for costs must be rendered against the party whose election was contested, in favor of the party contesting the same. *Primarily*, each party is liable for the costs created by himself, to the officers and witnesses entitled thereto, which may be collected in the same manner as similar costs are collected in the District Court.

Stat. 1850, 101, secs. 66, 67, 68.

Appeal.

SEC. 1126. Either party, aggrieved by the judgment of the Court, may appeal therefrom to the Supreme Court, as in other cases of appeal thereto from the County Court.

Stat. 1855, 161, sec. 10.

When Election Void and Office Vacant.

SEC. 1127. Whenever an election is annulled or set aside by the judgment of the County Court, and ten days has elapsed and no appeal has been taken, the commission, if any has issued, is void and the office vacant.

Stat. 1855, 161, sec. 11, substantially the same.

EXTRACTS FROM ORDER

NO. 1369 OF BOARD OF SUPERVISORS

OF THE

CITY AND COUNTY OF SAN FRANCISCO.

Approved, July 6th, 1877.

The Election Precincts of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, and 10th Wards are perfectly displayed on the Map inserted in this book, and the description here omitted, to save space.

The 1st ward 1st precinct includes the Farallone Islands and Yerba Buena Island.

ELEVENTH WARD. *Election Precinct No. 1*—Bounded by Market street on the northwest, Seventh street on the northeast, Howard street on the southeast, and Eighth street on the southwest.

Election Precinct No. 2—Bounded by Howard street on the northwest, Seventh street on the northeast, Channel street and Mission Creek on the south, and Eighth street on the southwest.

Election Precinct No. 3—Bounded by Market street on the northwest, Eighth street on the northeast, Mission Creek on the south, and Eleventh street on the southwest.

Election Precinct No. 4—Bounded by Market street on the northwest, Eleventh street on the northeast, Mission Creek, from Eleventh to Sixteenth street, on the southeast; Sixteenth street, from Mission Creek to Dolores street, on the south; and Dolores street on the west.

Election Precinct No. 5—Bounded by Sixteenth street on the north, Folsom street on the east, Twenty-first street on the south, and Dolores street on the west.

Election Precinct No. 6—Bounded by Mission Creek on the north, Rhode Island street on the east, Precita Creek, from Rhode Island street to the San Bruno road on the south; San Bruno road, from Precita Creek to Serpentine avenue on the west; Serpentine avenue, from the San Bruno road to Folsom street on the south; and Folsom street on the west.

Election Precinct No. 7—Bounded by Channel street on the northwest, by the waters of the Bay on the east, Precita Creek on the south, and Rhode Island street on the west.

Election Precinct No. 8—Bounded by Precita Creek on the north, by the waters of the Bay on the east, county line of San Mateo county on the south, and the San Bruno road on the west.

Election Precinct No. 9—Beginning at the intersection of the centre line of Ridley street, produced westerly with the westerly line of Stanyan street; thence in a southerly direction to the southeasterly corner of the Sunnyside House; thence in a southerly direction to the northeastly corner of the Industrial School Tract, on the westerly side of the old San Jose road; thence southerly along the westerly line of the old San Jose road to the southerly line of the city and county; thence west on said southerly line to the Pacific Ocean; thence northerly along said Pacific Ocean to a point that would be intersected by the centre line of Ridley street, projected westerly to said ocean; thence easterly along said projected centre line of Ridley street to the place of beginning.

Election Precinct No. 10—Beginning at the intersection of the center line of Ridley street produced westerly with the westerly line of Stanyan street; thence in an easterly direction along said projected center line of Ridley street to Dolores street; thence along Dolores street in a southerly direction to Twenty-first street; thence along Twenty-first street in an easterly direction to Folsom street; thence in a southerly direction along Folsom street to Twenty-fourth street; thence in a westerly direction to the westerly line of the Ocean House road; thence southerly and westerly along said road to the southeast corner of the Sunnyside House; thence in a northwesterly direction to the place of beginning.

Election Precinct No. 11—Beginning at the southwest corner of Folsom street and Twenty-fourth street; thence southerly along Folsom street to Serpentine avenue; thence along Serpentine avenue in an easterly direction to the San Bruno road; thence along San Bruno road in a southerly direction to the southerly line of the city and county; thence along said southerly line in a westerly direction to the westerly line of the Old San Jose road; thence along the westerly line of the Old San Jose road in a northerly direction to the southeast corner of the Industrial School tract; thence in a northerly direction to the southeast corner of the Sunnyside House; thence east and northerly along the Ocean House road to the southerly line of Twenty-fourth street produced westerly; thence easterly along said southerly line of Twenty-fourth street to the place of beginning.

TWELFTH WARD. *Election Precinct No. 1*—Beginning at the intersection of the southerly line of the Presidio Reservation with the waters of the Pacific Ocean; thence along the waters of said ocean and the waters of the bay of San Francisco northerly and easterly to the center line of Larkin street; thence along Larkin street in a southerly direction to Washington street; thence along Washington street in a westerly direction to First avenue; thence along First avenue in a northerly direction to the southerly line of the Presidio Reservation; thence along said line in a westerly direction to the place of beginning.

Election Precinct No. 2—Bounded by Washington street on the north, Larkin street on the east, Geary street on the south, and Fillmore street on the west.

Election Precinct No. 3—Bounded by Geary street on the north, Larkin street on the east, Fulton street on the south, and Fillmore street on the west.

Election Precinct No. 4—Bounded by Fulton street on the north, Larkin street on the east, Market street on the southeast, Ridley street on the south, and Fillmore street on the west.

Election Precinct No. 5—Beginning at the intersection of the southerly line of the Presidio Reservation with the waters of the Pacific Ocean; thence along said line in an easterly direction to First avenue; thence along First avenue in a southerly direction to Washington street; thence along Washington street in an easterly direction to Fillmore street; thence along Fillmore street in a southerly direction to Geary street; thence along Geary street in a west-

erly direction to its intersection with Point Lobos avenue; thence along Point Lobos avenue and said avenue projected in a westerly direction to the waters of the Pacific Ocean; thence along the waters of said ocean northerly and easterly to the point of beginning.

Election Precinct No. 6—Beginning at the intersection of the center line of Point Lobos avenue projected westerly with the waters of the Pacific Ocean; thence along said line in an easterly direction to Point Lobos avenue; thence along Point Lobos avenue in an easterly direction to Geary street; thence along Geary street in an easterly direction to Fillmore street; thence along Fillmore street in a southerly direction to Ridley street; thence along Ridley street and a direct line in a westerly direction to the waters of the Pacific Ocean; thence along the waters of said ocean in a northerly direction to the place of beginning.

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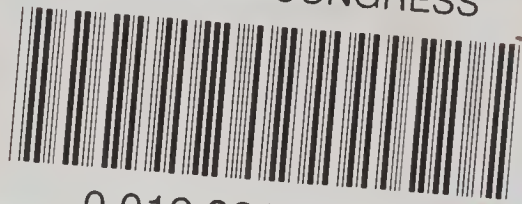
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